DOCUMENT RESUME

ED 267 664 HE 018 963

TITLE	Senates and Councils of Tertiary Institutions in Western Australia: Review of Structures and Functions. Report of the Tertiary Institutions Governance Committee.
INSTITUTION	Western Australia Post Secondary Education Commission, Nedlands.
REPORT NO	ISBN-0-7244-6502-2
PUB DATE	Jul 85
NOTE	99p.
AVAILABLE FROM	Western Australian Post Secondary Education Commission, 16-18 Stirling Highway, Nedlands, Western Australia 6009.
PUB TYPE	Reports - Descriptive (141)
EDRS PRICE	MF01/PC04 Plus Postage.
DESCRIPTORS	Academic Freedom; Accountability; Administrators; Advisory Committees; Change Strategies; Citizen Participation; *College Administration; *College Governing Councils; *Foreign Countries; *Governance; Government School Relationship; Higher Education; Institutional Autonomy; Models; *Participative Decision Making; School Community Relationship; Student Participation; Teacher Participation
IDENTIFIERS	*Australia (Western Australia); Murdoch University (Australia); University of Western Australia; Western Australian College of Advanced Education; Western Australian Institute of Technology

ABSTRACT

Two models for the structure of college/university Senates and Councils in in Western Australia are proposed, and 50 recommendations of the Tertiary Institutions Governance Committee are presented. The Committee reviewed the governance of: the Senates of the University of Western Australia and Murdoch University, and the Councils of the Western Australian Institute of Technology and the Western Australian College of Advanced Education. The two alternative models for Senates and Councils consider the need to achieve adequate representation of various interests and a balance of membership, including appointed members, ex officio appointments, elected members, co-opted members, and observers. Interests in the community that should be represented include: private sector employers, employees, women's interests, political appointees, staff association presidents, academic and general staff, and students. The Committee also examined the effectiveness of the Senates and Councils in safeguarding institutional autonomy and academic freedom and in assuring that the school is accountable. Specific functions include financial reporting, administrative and performance reviews, and policy accountability. Appended are extracts from the legislation stipulating the present Senate and Council structures. (SW)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED267664

SENATES AND COUNCILS OF TERTIARY INSTITUTIONS IN WESTERN AUSTRALIA

Review of Structures and Functions

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☐ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

Western Australian Post-secondary Education Commission

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

IA EO1 8 963

REPORT

of the Tertiary Institutions Governance Committee,
appointed by the Minister for Education in Western Australia,
and chaired by R. Hetherington, M.L.C.

PERTH, JULY 1985

REPORT
of the
Tertiary Institutions Governance Committee

ISBN O 7244 6502 2

42991—1

SENATES AND COUNCILS OF TERTIARY INSTITUTIONS IN WESTERN AUSTRALIA

Review of Structures and Functions

REPORT

of the Tertiary Institutions Governance Committee,
appointed by the Minister for Education in Western Australia,
and chaired by R. Hetherington, M.L.C.

PERTH, JULY 1985

TERTIARY INSTITUTIONS GOVERNANCE COMMITTEE
CHAIRMAN: R. HETHERINGTON M.L.C.

July 1985

THE HON R J PEARCE, MLA
Minister for Education

My Dear Minister

I am pleased to present the report of the Tertiary Institutions Governance Committee.

The Committee met 34 times during the period August 1984 to June 1985, and interviewed 26 groups and 10 individuals. After fully considering written and verbal submissions, and examining relevant issues which emerged from these and from its own discussions, the Committee found that it failed to reach consensus on the structure of Senates and Councils. One group of Committee members emphasised the need to include on Senates and Councils a relatively large number of members representative of interests from within the academic institution concerned and from the community in order to bring to the Senates and Councils a diverse range of views. The other group within the Committee, while acknowledging the need for representation of a variety of interests, placed greater emphasis on the need to reduce the size of Senates and Councils in order to promote efficiency of operation.

While the Committee was in agreement that the structure of the Senates and Councils of the institutions should be basically similar, it was unable to recommend unanimously a single model. Instead, two models are put forward for consideration, based respectively on the two approaches referred to above. In addition, the Committee makes a number of recommendations which it believes will enhance institutional governance and accountability, irrespective of the structures of Senates and Councils.

The Committee was greatly assisted by those individuals and groups who made written and verbal submissions. In addition, I wish to record my appreciation of the work of the Committee members and the assistance of the Western Australian Post Secondary Education Commission in providing support during the review. I would further like to express the warm thanks of all members of the Committtee for the valuable contributions made by Ms Julie Harris of the Commission secretariat.

Yours sincerely

R Hetherington, MLC
Chairman

P.O. Box 135, Nedlands W.A. 6009
Inquiries: Julie Harris Ph: 386 6355

42991—2

CONTENTS

CHAPTER		PAGE
	Summary of Recommendations	ii
1	Introduction	1
2	The Present Situation	3
3	The Concepts of Institutional Autonomy, Academic Freedom , and Accountability, and the Role of Senates and Councils	12
4	Models For Senates and Councils	27
5	Categories of Membership and Interests to be Represented	37
6	The Committees of Senates and Councils	56
7	Miscellaneous Issues	63

TABLES

1	The Larger Model	31
2	The Smaller Model	35

APPENDICES

1	Notes	76
2	Individuals and Organisations Who Made Written and/or Verbal Submissions to the Committee	77
3	Membership of the Governing Bodies of Tertiary Education Institutions	80

SUMMARY OF RECOMMENDATIONS

After extensive debate, the Committee found that as there were divergent views among the members, it was unable to recommend unanimously a single structure for Senates and Councils. Instead, two models are put forward for consideration, the larger and smaller models, and these are set out in Tables 1 and 2 on pages 31 and 35 of the report.

Some of the Committee's recommendations propose alternative strategies for the larger and smaller models. Others are made with a view to enhancing institutional governance and accountability, irrespective of the structures of Senates and Councils.

Recommendation 1

The Committee recommends that Senates and Councils explore the standard and usefulness of financial data currently presented to them.

Recommendation 2

The Committee recommends that the matter of financial reporting by Universities and CAEs be examined by the Legislative Council Committee on Government Agencies, which is able to consider financial reporting in the context of all Government agencies and, where appropriate, recommend system-wide reporting requirements.

Recommendation 3

The Committee recommends that steps be taken to bring the WA College of Advanced Education within the Ombudsman's jurisdiction, either by having the College added to the Schedule to the Parliamentary Commissioner Act or, if appropriate, by amendment to the Western Australian College of Advanced Education Act.

Recommendation 4

The Committee recommends the appointment by the Minister for Education of a working party comprising individuals experienced in administrative law, along with representatives of institutions, including staff and students, to report on recommendations for legislative change to establish system-wide

rights of redress against unreasonable administrative action, these rights to be based on Commonwealth administrative review legislation.

Recommendation 5

The Committee recommends that each institution continue to develop constructive staff development programs concerned with staff performance, and with the effectiveness of teaching techniques (lectures, tutorials, use of new technology) and assessment practices, in terms of their effect on students' learning.

Recommendation 6

The Committee recommends that consideration be given to the two proposed models for Senates and Councils:

- the larger model as described in Table 1; and
- the smaller model as described in Table 2.

Recommendation 7

The Committee recommends that private sector employer interests be represented:

(a) in the larger model, on the Senate or Council itself; or

(b) in the smaller model, on the Senate or Council itself or on its major committees.

Recommendation 8

The Committee recommends that employee interests be represented:

(a) in the larger model, on the Senate or Council itself; or

(b) in the smaller model, on the Senate or Council itself or on its major committees.

Recommendation 9

The Committee recommends that both employer and employee organisations have a role in the selection of individuals to represent their interests on Senates, Councils, or their committees, as appropriate.

Recommendation 10

The Committee recommends that:

(a) with respect to either model, the relevant Acts provide, as an interim measure, for the appointment by the Governor to the Senate or Council of an extra person to be representative of women's interests, to be chosen by the Minister after consultation with the Women's Advisory Council;

(b) this position continue until such time as the proportion of women members on the Senate or Council reaches one-third of the total membership; and

(c) the appointee at that time complete the current term and no further appointments be made in this category, even if the proportion of women members subsequently falls below one-third of the total membership.

Recommendation 11

The Committee recommends that if the larger model is adopted, the Act governing each institution provide for the appointment by the Governor to the Senate or Council of persons * having qualifications and experience appropriate to the governance of the institution, of whom:

(a) one would be representative of private sector employer interests and would be chosen by the Minister from among nominations received from the following organisations: the WA Chamber of Commerce and Industry, the Confederation of WA Industry, and the Chamber of Mines of WA;

(b) one would be representative of employee interests and would be chosen by the Minister from among nominations received from the Trades and Labor Council of WA; and

(c) the remainder would be representative of the community, having regard to the desirability of including persons with interest and experience in some or all of the following areas -

Aboriginal interests
the arts
commerce
education
ethnic interests
finance
health and welfare
primary industry and rural interests
the professions
the public sector
research activity
secondary industry
women's interests

Recommendation 12

The Committee recommends that if the smaller model is adopted, appropriate provision be made, in consultation with the institutions concerned, for the inclusion of the interests referred to in Recommendation 10 in the combined membership of the Senate or Council itself and its committees.

---

* As can be seen in Chapter 4, the number of proposed appointees may vary from institution to institution.

Recommendation 13

The Committee recommends that, within the provisions for appointing community members to Senates, Councils or their committees, as appropriate, consideration be given to the appointment of a person who may be:

. the Director-General of Education;
. the Chairman of the Secondary Education Authority; or
. a senior officer of the Education Department of WA;

and that the Minister consult with Senates and Councils, the Director-General and others in the selection of such an appointee.

Recommendation 14

The Committee recommends that section 12(1)(i), which provides for the appointment to the Senate of two members nominated by the Premier and the Leader of the Opposition, respectively, be deleted from the Murdoch University Act.

Recommendation 15

The Committee recommends that:

a) all Senates and Councils be empowered to elect a Chancellor or Chairman from within their own ranks or the community at large;

b) if the Chancellor or Chairman is elected from within the Senate or Council, a casual vacancy be created in the category of membership previously occupied; and

c) the term of a Chancellor or Chairman be for three years and that no person be eligible to hold the office for more than three successive terms (excluding any terms already served as a member of the Senate or Council).

Recommendation 16

The Committee recommends that the chief executive officer be a member ex officio of the Senate or Council.

Recommendation 17

The Committee recommends that the President of the Student Guild be appointed ex officio:

(a) in the larger model, to the Senate or Council; or

(b) in the smaller model, to Senate or Council committees, as appropriate.

Recommendation 18

The Committee recommends that the presidents of associations of academic and general staff be appointed ex officio:

(a) in the larger model, to the Senate or Council; or

(b) in the smaller model, to Senate or Council committees, as appropriate.

Recommendation 19

The Committee recommends that in the Universities and CAEs the Chairman of the Academic Board (or equivalent body) be elected by the membership.

Recommendation 20

The Committee recommends that in the Universities, the Chairman of the Academic Board (or equivalent body), if elected, be appointed ex officio:

(a) in the larger model, to the Senate and to the proposed education policy committee; or

(b) in the smaller model, to the proposed education policy committee only.

Recommendation 21

The Committee recommends that in the CAEs, the Chairman of the Academic Board (or equivalent body) be appointed ex officio to the proposed education policy committee in either model.

Recommendation 22

The Committee recommends that:

(a) the academic staff elect one or more of their number to the Senate or Council as set out in Tables 1 and 2;

(b) academic staff employed on a less than full-time basis who nevertheless have a long-term commitment to the institution be eligible to vote in elections in this category of membership; and

(c) the institutions be consulted as to the appropriate means of providing for this in the legislation.

Recommendation 23

The Committee recommends that:

(a) the general staff elect a member to the Senate or Council;

(b) general staff employed on a full-time or fractional-time (but not casual) basis be eligible to vote in elections for this position; and

(c) the institutions be consulted as to the appropriate means of providing for this in the legislation.

Recommendation 24

The Committee recommends that:

(a) students elect one or more members to the Senate or Council, as set out in Tables 1 and 2; and

(b) all students be eligible to vote in elections in this category of membership.

Recommendation 25

The Committee recommends that, at the University of Western Australia, a person be elected by and from among full-time higher degree research students:

(a) in the larger model, as a member of the Senate; or

(b) in the smaller model, as a member of an appropriate Senate committee.

Recommendation 26

The Committee recommends that members of the graduate bodies elect one or more of their number to the Senates and Councils as set out in Tables 1 and 2.

Recommendation 27

The Committee recommends that:

(a) the Senates and Councils be empowered to co-opt two or more members as set out in Tables 1 and 2;

(b) the Acts governing the institutions require that co-opted members be elected by a two-thirds majority of members, other than co-opted members, of the Senate or Council;

(c) section 9(1)(i) of the Western Australian College of Advanced Education Act be deleted and replaced by a power to co-opt as referred to in paragraph (a) above;

(d) the limitations on the power to co-opt contained in the provisos to section 10(g) of the University of Western Australia Act be deleted; and

(e) section 12(1)(j) of the Murdoch University Act be amended so that full-time staff of other institutions no longer be prevented from being co-opted to the Murdoch Senate, and the Murdoch Act conforms with the Acts of the other institutions in this respect.

Recommendation 28

The Committee recommends that the attendance at Senate and Council meetings of observers who may participate in the discussion be discontinued.

Recommendation 29

The Committee recommends that the Acts governing institutions be reviewed and, if necessary, amended to allow and require Senates and Councils to initiate or increase the practice of appointing to committees people who are not members of the Senate or Council itself, and who include members of the community, members of staff, and students.

Recommendation 30

The Committee recommends that Senates and Councils:

(a) review their committee structures at regular intervals to ensure that they play a useful role in the discharge of the responsibilities of governance and the requirements for accountability; and

(b) consider the role of those committees which report to the chief executive officer, with a view to ensuring that all matters for which the Senates and Councils should be directly responsible come to their attention.

Recommendation 31

The Committee recommends that an education policy committee of each Senate and Council be established with membership drawn from the Senate or Council itself together with members of the community, academic staff, general staff, and students.

Recommendation 32

The Committee recommends that the membership and terms of reference of the WAIT Education and General Policy Committee and the WACAE Academic Council be reviewed by the institutions concerned to ensure that these bodies serve the purposes of the educational policy committees referred to in Recommendation 31.

Recommendation 33

The Committee recommends that the Academic Boards in the Universities make recommendations to the proposed education policy committees for consideration and conveyance to the Senates.

Recommendation 34

The Committee recommends that:

(a) each Senate and Council establish an internal audit committee, including in its membership community members of the Senate or Council; and

(b) the terms of reference for each internal audit committee be consistent with the standards for the Professional Practice of Internal Auditing drawn up by the Institute of Internal Auditors.

Recommendation 35

The Committee recommends that, if the smaller model is adopted, the two major committees of the Senates and Councils, dealing with educational policy and finance, be established by specific provisions in the Acts governing the institutions, and that the membership and terms of reference of each of these committees also be specified in the legislation.

Recommendation 36

The Committee recommends that consideration be given to the possibility of inviting members of Senates and Councils to serve on course advisory boards or similar groups so that they will get to know at least one area of activity in some depth.

Recommendation 37

The Committee recommends that a senior officer be appointed as Secretary to the WACAE Council, so that the Director is seen to be distanced to some extent from the regulation of Council business.

Recommendation 38

The Committee recommends that:

(a) the terms of office for members of each Senate and Council, other than elected student members, be for a period not exceeding three years; and

(b) the terms of office for elected student representatives be for a period not exceeding two years.

Recommendation 39

The Committee recommends that:

(a) all members, other than student members, of Senates and Councils be eligible for re-appointment or re-election, but that there be a limit of three successive terms, after which a period of twelve months must elapse before the members concerned are eligible for re-appointment; and

(b) elected student members not be eligible to serve more than one two-year term.

Recommendation 40

The Committee recommends that the legislation preclude a person who is primarily a student, or a member of the academic or general staff, or a member of the graduate body, or, in the case of UWA, a research student (as defined) from being elected to the Senate or Council as a representative of any other of these groups.

Recommendation 41

The Committtee recommends that the powers of delegation of Senates and Councils be reviewed with a view to enabling them to group together for industrial or other purposes within appropriate limits.

Recommendation 42

The Committee recommends that the powers of delegation of Senates and Councils be reviewed to determine whether they are too broad and, if so, that they be amended.

Recommendation 43

The Committee recommends that section 18(1) of the Murdoch University Act be amended to permit delegation to any committee appointed by the Senate, so that the Senate can make full use of the opportunity to appoint external people to Senate committees.

Recommendation 44

The Committee recommends that Senate and Council meetings be open to the public, provided that:

(a) items of a confidential nature (eg, items relating to individuals or to property transactions) be kept confidential, and members of the public be required to withdraw while they are discussed; and

(b) people wishing to attend a meeting make their intention known to an appropriate officer in advance, on the understanding that permission to attend is subject to adequate space being available.

Recommendation 45

The Committee recommends that the Acts governing the institutions be amended to formalise the position of staff associations and Academic Boards if this is required as a result of proposed ex officio appointments to Senates, Councils and their committees.

Recommendation 46

The Committee recommends, in the interests of equity, that the powers of institutions to invest funds, borrow money, deal with land and provide housing for staff be reviewed and the relevant Acts amended so that all four institutions are treated equally in these and related areas.

Recommendation 47

The Committee recommends that the power of the Convocation of UWA to participate in the making of Statutes be withdrawn, and that the UWA Act be amended accordingly.

Recommendation 48

The Committee recommends that the UWA Act be amended to permit the pooling of investment funds, and that the University be consulted as to the appropriate wording of the amendments.

Recommendation 49

The Committee recommends that the procedure at Murdoch University for appointing Senate members to committees be reviewed and changes be made which do not require members to challenge names already allocated to a committee.

Recommendation 50

The Committee recommends that the WACAE Act be amended to provide for the Council to designate the most senior academic on each campus for the purposes of section 25(2)(b).

CHAPTER 1

INTRODUCTION

Background

1.1. On 26 July 1984, the Hon R J Pearce, MLA, Minister for Education, established this Committee to review the governance of the four major tertiary institutions and the extent to which the Senates and Councils are accountable to the community. This action was in keeping with the Western Australian Government's desire for increased accountability by educational institutions.

Membership

1.2. The Committee's membership is set out below.

Mr R Hetherington, BA(Hons)(Adel), MLC, Chairman
Mr R M Hillman, BE(WAust), HonFIEAust
Mr C W Lockhart, BA(Hons)(WAust)
Dr P D Reeves, MA, DipEd(Tas), PhD(ANU)
Ms W Silver, BA, BSocWk(WAust)
Dr W A Pullman, MSc, PhD(Birm), CEng, FIMechE, MACE, Executive Officer

Ms J Harris, LLB(Hons)(Exe) of the WAPSEC secretariat provided secretarial support.

1.3. The Minister invited the Leader of the Opposition to nominate a member to the Committee but he declined to do so, and established his own committee of inquiry.

Terms of Reference

1.4. The Committee's terms of reference were:

> To examine the structure and constitution of the Senates of the University of Western Australia and Murdoch University, the Councils of the Western Australian Institute of Technology and the Western Australian College of Advanced Education; to recommend

changes, if appropriate, to these bodies to ensure that there is a proper level of representation of community, academic staff, non-academic staff, and students.

- To examine the extent to which the Senates and Councils are able to effectively fulfil their role in the institutions for which they are responsible; the extent to which they are accountable to the community for the use of public funds and for the wider educational role of the institutions.

- To recommend improved structures and processes, including amendments to the relevant Acts, if appropriate.

1.5. The Committee was asked to report by 30 November 1984, but the range of submissions received and the complexity of the task made it necessary to seek an extension of time.

Procedures

1.6. The Committee met for the first time on 24 August 1984. Advertisements for public submissions were placed in national, local and student newspapers, and groups believed to have a particular interest in the review were invited to make submissions by 19 October 1984. In all, sixty submissions were made to the Committee. During November and December, after the majority of submissions had been received, the Committee met with representatives of more than twenty groups and organisations. Most, but not all, of these were associated with the four major tertiary education institutions. In addition, the Committee interviewed a number of individuals. The organisations and individuals who made submissions and who met the Committee are shown in Appendix 1.

1.7. The written submissions and verbal evidence presented at interviews formed a very significant input to the Committee's considerations since, within the resources and time available, the Committee was unable to undertake full-scale research on the matters raised in its terms of reference.

CHAPTER 2

THE PRESENT SITUATION

Background

2.1. The tertiary education institutions referred to in the terms of reference are the two Universities and the two Colleges of Advanced Education (CAEs):

Murdoch University (Murdoch)	Western Australian College of Advanced Education (WACAE)
The University of Western Australia (UWA)	Western Australian Institute of Technology (WAIT)

Each of these institutions is established under its own Act of Parliament, and extracts from the Acts setting out the present structures of the Senates and Councils are contained in Appendix 2.

2.2. The Committee's primary task was to review the structure and constitution of the institutions' Senates and Councils, giving particular attention to the balance between members drawn from within the institution and those from the wider community. The requirement to examine the extent to which Senates and Councils are able to fulfil their role effectively necessitated some consideration of the internal management and decision-making structures of the institutions. The Committee adopted a restricted interpretation of this aspect of its brief on the grounds that the details of internal management are matters for each institution to determine.

Relationships Between the Commonwealth, States and Institutions

2.3. The Universities and CAEs in Western Australia are established under State legislation and are thus responsible to the State Government, through the Minister for Education. Originally the Commonwealth took little part in either policy formation or funding. This has now changed:

- In 1957 the Commonwealth Government accepted responsibility for providing some funds for tertiary institutions. From then until 1973, Commonwealth involvement in funding increased, and with it came influences and constraints on State policy-making.

- Since the beginning of 1974, the Commonwealth has, in effect, assumed complete responsibility for funding, along with a major policy role with respect to universities and colleges of advanced education.

Commonwealth funds are provided to the States under the provisions of States Grants (Tertiary Education Assistance) Acts.

2.4. The Commonwealth Tertiary Education Commission (CTEC) is responsible for advising the Commonwealth Minister of Education on matters relating to the granting of financial assistance by the Commonwealth to the States for universities, colleges of advanced education and technical and further education institutions. CTEC is required under its Act to carry out its functions with a view to promoting the balanced and co-ordinated development of tertiary education in Australia. Its advice may include conditions upon which financial assistance should be provided as well as the amounts and allocation of the grants[1].

2.5. In this State, the Western Australian Post Secondary Education Commission (WAPSEC) is charged with assisting "in the formation of State views on the promotion, development and co-ordination of post-secondary education"[2]. WAPSEC advises the State Minister, CTEC, and the institutions, as appropriate.

2.6. Some submissions drew attention to the fact that the legislative bases for relationships between the four institutions and WAPSEC are inconsistent as a result of varying provisions in the relevant Acts. For example, the Acts governing Murdoch and WACAE express the powers of their Senates and Councils as being subject to the WAPSEC Act. The UWA and WAIT Acts contain no such provision. In addition, the WAPSEC Act, section 12(1), requires WAPSEC's functions to be performed "with due regard to the traditional autonomy of universities and to the major role of universities in areas outside the scope of post-secondary education", but there is no corresponding requirement with respect to colleges of advanced education. These differences may be relevant to the co-ordination of post-secondary education, and hence to the

responsibilities of Senates and Councils, but this is an issue on which the Committee makes no recommendation, as it will be addressed elsewhere*.

2.7. The following chart outlines the respective roles of CTEC, WAPSEC and the tertiary education institutions with reference to the planning, funding and administration of post-secondary education (other than TAFE). The information shown is not intended to be definitive, but rather to illustrate in broad terms the relationships between the various bodies.

2.8. State planning for post-secondary education is to some extent constrained by conditions imposed by the Commonwealth on grants to the State. Moreover, the State must persuade the Commonwealth to provide funds for the implementation of State policies (unless the State itself is prepared to fund projects which would normally be supported by Commonwealth funding). The institutions, in turn, carry out their planning in the context of State and Commonwealth policies, and seek to persuade the respective Governments that their proposals merit support.

---

* On 10 October 1984, the Minister for Education announced his intention to prepare a green paper containing the Government's proposals for improving the level of coordination of post-secondary education and making other changes to ensure that future needs may be met.

OUTLINE OF ROLES OF CTEC, WAPSEC AND INSTITUTIONS IN PLANNING, FUNDING AND ADMINISTRATION OF TERTIARY EDUCATION

Commonwealth Tertiary Education Commission	Western Australian Post Secondary Education Commission	Institutions
PLANNING		
Long-term and short-term planning for post-secondary education in Australia to assist in the development and implementation of Commonwealth Government policies to ensure: . balance of resources among States; . that expensive facilities are not duplicated unnecessarily; . promotion of national policies, eg. to increase participation of school leavers and the disadvantaged; . broad academic directions, eg. - emphasis on science and technology; - transfer of nurse education to CAEs; - development of community language courses.	Recommendations for the consideration of CTEC on long-term and short-term planning for post secondary education in WA in the context of Commonwealth and State policies, including: . the need for new institutions and identification and reservation of sites; . institutional profiles; . the need and demand for academic programs and the nature of the programs required; . overall enrolment levels and the distribution and mix of enrolments among sectors and institutions to meet the needs of the State; . the resources needed to meet identified needs and the equitable distribution of resources among institutions.	Recommendations for Commonwealth and State consideration on long-term and short-term objectives and priorities for the institution in the context of Commonwealth and State policies, including: . future directions for the institution's development; . development of academic programs to meet identified demand and need; . distribution of enrolments within the institution having regard to the mix of enrolments in terms of level and field of study; . the resources needed to finance the institution's academic and research programs including staffing, buildings and equipment.
FUNDING		
Allocation of funding for post-secondary education in Australia in accordance with Government guidelines - recurrent and equipment on a triennial basis, capital on an annual basis.	Recommendations to CTEC on funding for post-secondary education in the State and on individual allocations for CAEs.	Internal allocation of funds, subject to any earmarked grants.
ADMINISTRATION		
. Administration of States Grants (Tertiary Education Assistance) Acts . Development of statistical collections and analysis of statistical returns. . Development and implementation of course approval policies.	. Liaison with CTEC and institutions on administration of grants and statistical returns. . Course approval procedures - development and implementation. . Course accreditation (quality assessment) with respect to advanced education.	. Administration of the institution's academic, capital, financial and investment programs. . Preparation of accounts for the State Minister and Parliament. . Preparation of statements of expenditure for CTEC. . Preparation of annual estimates (CAEs) for State Minister. . Preparation and forwarding of statistical returns.*

* Statistical collections comprise detailed information about students and staff including:

Students - enrolments by course, level of course, field of study, mode of study, commencing, continuing and completing students.

Staff - by level of appointment, mode of appointment, discipline area.

Finance statistics showing expenditure by item are collected for universities and this collection will be extended to cover colleges of advanced education in due course.

BEST COPY AVAILABLE

Relationships Between Institutions and the Community

2.9. The institutions, as publicly funded bodies, recognise the importance of achieving community support for their aims and endeavours. They relate to the community in a variety of ways. Means of involving the wider community in their activities include:

- adult education and extension programs
- summer schools
- special lectures on matters of general interest
- musical and theatrical performances
- operation of radio stations
- publications
- exhibitions
- open days.

Information on these and other activities is published in newsletters issued by institutions and through media releases.

2.10. The institutions also keep in contact with particular sections of the community to whom they have responsibilities. For example, employers, members of the professions and others with special expertise are appointed to advisory committees which make recommendations to institutions on course developments in the context of changing needs in business, industry and the community. The relationships of institutions with outside organisations are also furthered by the participation of members of staff in research and consultancy activities, service on government advisory bodies, the provision of meeting facilities for professional bodies, and by the sponsorship by business and industry of scholarships and research projects.

Perceived Shortcomings in Existing Structures

2.11. Since any changes affecting Senates and Councils should be made only in order to bring about improvements, the Committee was alert constantly for evidence of any shortcomings in existing systems. Little direct evidence of dissatisfaction with the present structures was tendered either in the written or verbal submissions. There were exceptions, but generally those making the submissions sought changes without pointing to specific failures which the changes were designed to overcome. Nevertheless the Committee, in sifting the evidence presented, was able

to identify some perceived deficiencies. Those which relate to the structure of Senates and Councils are outlined in this section. Others are referred to elsewhere in the report.

Representation

2.12. The question of what constitutes adequate representation of interest groups on Senates and Councils is one on which opinions differ, both within the Committee and among those who made submissions. Some argue that it is essential to provide for formal representation of student and staff associations through the ex officio appointment of office-bearers, while others believe that adequate representation may be achieved through the election of one or more individuals who need not necessarily be association members. Many of the submissions received were from organisations seeking increased representation by means of either ex officio appointment or election. Although in some cases the reasons given emphasised benefits which would result for the groups themselves rather than for the Senates and Councils, it was consistently argued in these submissions that debate within the Senates and Councils would be better informed if those groups with inside knowledge of the workings of the institutions and with a vital interest in their continuing development were given increased representation.

Size

2.13. Closely related to the question of representation is the question of the appropriate size of Senates and Councils, since any increase in representation increases the overall size, unless accompanied by a corresponding reduction in the representation of another group. While some submissions argued that Senates and Councils should have fewer members, a greater number proposed that the smaller bodies, at least, should be increased in size to accommodate additional representation for some groups. Nobody suggested to the Committee that Senates and Councils should have more than about 30 members.

Employee Representation

2.14. The Committee's attention was drawn to the fact that community members of Senates and Councils have in the past been drawn predominantly from employer and professional groups and that, until recently, organised employee or trade union interests have been rarely represented. It was

claimed in a number of submissions that the institutions would benefit if the views of employee groups were available to Senates and Councils and that this should be achieved through the appointment of a representative of the Trades and Labor Council.

Representation of Graduate Bodies

2.15. Graduate bodies are represented on all the Senates and Councils. Many of the submissions made to the Committee expressed the view that graduates with a continuing interest in the welfare of the institutions may be valuable members of the Senates and Councils. The extent to which such representation is desirable, however, is the subject of debate. The submissions indicated a widely-held view that the representation of graduate bodies on Senates has been too large. A small number of submissions proposed that graduate bodies not be represented on Senates and Councils at all.

2.16. The Senate of UWA includes six members elected by Convocation, and many submissions argued that this number should be reduced. Some submissions opposed this view, arguing that the members elected by the Convocation of UWA represent a very large number of graduates with an active, ongoing interest in the welfare of the University. There are three Convocation members on the Murdoch University Senate, and the Councils of the two CAEs include only one member of the respective graduate bodies. A number of submissions proposed that these positions be retained and perhaps increased.

Power to Co-opt

2.17. Provision is made in the relevant Acts for members to be co-opted to the Senates of Murdoch and UWA and to the WAIT Council. The provisions vary in detail. The UWA Act, for example, requires that co-opted members include a person who has served in the armed forces and two members of Convocation. The WACAE Act differs, in that it provides for three persons to be appointed from time to time by the Minister on the recommendation of the Council. The Senates of the two Universities and the WAIT Council argued strongly that these provisions have enabled them to include people who, by their particular talents or from their experience, have made unique and valuable contributions to the work of the bodies. They argued for the retention of the provisions. The WACAE Council also favoured the continuation of this category of membership.

2.18. Others argued against the co-option provisions, claiming that they were abused by powerful groups on the Senates and Councils, who used their numbers to ensure that individuals who were co-opted held views similar to their own. Although in the Committee's view the evidence for the claim is scanty, many people who gave evidence believed that it could be substantiated.

Participation of Women

2.19. A number of submissions drew attention to the fact that women have been very much in the minority on all the Senates and Councils and urged that the proportion of women be increased. Some cited with approval the recommendation contained in the recent report on the membership of Councils of CAEs in Victoria[3], that a Council should ideally contain a balance of 50% female and 50% male members with a minimum of 25% of either group. Others considered that the balance of the sexes should be redressed but without specifying target levels of representation.

Appointment of Chancellor or Chairman of Council

2.20. The UWA Senate elects the Chancellor annually from among its members. At the other institutions the Chancellor or Chairman of Council may be drawn from either within or outside the membership and holds office for up to three years. The Committee heard arguments that Senates and Councils, including the UWA Senate, should be free to select a Chancellor or Chairman from outside their membership if they wish, thus ensuring that the widest possible choice is available. Differing views were expressed as to the length of the terms of such appointments and limitations on the number of terms.

Terms of Office

2.21. The terms of office of members of the Murdoch Senate and the WAIT and WACAE Councils are limited in the legislation. In each case, an elected, appointed or co-opted member who has completed three successive terms of office is not eligible for further re-appointment until a period of twelve months has elapsed. There is no such provision in the UWA Act. However, the UWA Senate, after reviewing its constitution in 1983, concluded that it would be in the best interest of the University to prescribe a maximum period of continuous tenure for all members of

the Senate except a member elected to the office of Chancellor. There was strong support in the submissions for some limitation on the number of successive terms which members could serve.

Influence of Chief Executive Officer

2.22. Some submissions suggested that the Senates and Councils tend to be influenced too greatly by the views of the chief executive officers of the institutions, and that this results in members of Senates and Councils on occasion being shielded from information which others believe they should have the opportunity to consider.

Responsiveness to Change

2.23. A number of submissions claimed that the Senates and Councils are slow to react to changing requirements of the community and also to requests for comments on matters of Government and community interest. Others put the view that while Senates and Councils should be responsive to reasonable community requirements, institutions should guard against making rapid changes to accommodate changing political and social values.

Meeting Perceived Shortcomings

2.24. The Committee has not arrived at a solution which would remedy all the perceived deficiencies in the current structures of Senates and Councils. Two possible models are set out in Chapter 4, each of which meets some of the shortcomings identified above. In addition, the Committee makes a number of recommendations which it believes will enhance institutional governance and accountability within either of the proposed structures.

42991—5

CHAPTER 3

THE CONCEPTS OF INSTITUTIONAL AUTONOMY, ACADEMIC FREEDOM, AND ACCOUNTABILITY, AND THE ROLE OF SENATES AND COUNCILS

3.1. Basic to the functioning of academic institutions and their relationships with the community are the concepts of institutional autonomy and academic freedom. There is a significant literature on these related but distinct concepts. Eric Ashby[4] provides a careful analysis of the differences, and of the responsibilities of individuals, institutions, and government agencies in maintaining these basic traditions. Equally important is the accountability of institutions for the quality of the education provided and the expenditure of public funds. Senates and Councils have a special role in balancing the responsibility to safeguard institutional autonomy and academic freedom with the need to be accountable for the activities of the institution.

Institutional Autonomy

3.2. Tertiary education institutions in Australia have never been completely autonomous, having been established by legislation and supported by Government funding. Institutional autonomy therefore is, in one sense, a matter of degree; but there are basic requirements which must be safeguarded. The Committee accepts the view that these include the freedom to select students and staff, to set standards, to design curricula and to allocate the funds among different categories of expenditure[5]. There are some indications that this autonomy has been reduced in recent years. Commonwealth grants, for example, include conditions requiring institutions to pay certain salary rates or be liable to pay a financial penalty; professional bodies bring pressure to bear on institutions with respect to curriculum development; and standards for academic awards of CAEs are established by a national body[6].

3.3. It is important to safeguard institutional autonomy. It is also necessary, however, to ensure that the public interest is protected. Demands for increased efficiency in the application of resources within the post-secondary education system will almost certainly bring about further tensions between these interests. Experience over the last two decades has indicated that when Governments believe that resources are

being used effectively, institutional autonomy is at its highest; and that, conversely, when this confidence is diminished, institutional autonomy tends to receive less recognition. Senates and Councils need to be aware of these tensions, as they bear much of the responsibility for defending the autonomy of tertiary institutions.

Academic Freedom

3.4. Central to the academic tradition is the concept of academic freedom. The Committee accepts the view of the university as "a haven of independent enquiry"[7] and believes that academics should be able to pursue and teach the truth as they see it, free from direction from external sources. This is necessary for two main reasons. A modern democratic society, which is becoming more highly bureaucratised and increasingly complex, needs the contribution of independent and critical academics. Secondly, research in the physical and the social sciences, and in the humanities, is essential for the future well-being of society, and this research should not be restricted to what is obviously or immediately relevant, or to what serves the immediate purposes of Governments or other groups in society. Academic freedom is a basic freedom in a liberal democracy. By the free exchange of ideas and the use of the scientific method, all propositions are tested so that society's knowledge and understanding of the world is increased. Further, it is essential that both pure research and applied research flourish, and that academics be allowed to challenge the conventional wisdom and accepted truths of our society.

3.5. Even academic freedom, however, is not absolute. Within departments the freedom of the individual academic may be constrained by a requirement that one section of the discipline rather than another be taught; processes of peer review, such as the accreditation of advanced education courses, may involve some intervention in the determination of course content and teaching methods; and the availability and allocation of funds may put constraints on research projects.

3.6. Academic freedom is also not to be equated with academic self-indulgence or irresponsibility; still less does it imply administrative licence in relation to subordinates or students, or the right to deny them natural justice. The relationships of academics to each other, to their institution, and particularly to their students, are areas in which there might properly be external review and, if necessary, intervention.

3.7. Academics are responsible to the society in which they live. This means two things. First, they should carry out their teaching and research to the best of their ability. Secondly, they should be prepared to respond to needs of society while resisting any attempt to force them into responses that they regard as inappropriate. It is essential, for example, that academics not be required to follow blindly the dictates of the Governments that pay their salaries and supply their funds, and it is essential that Senates and Councils recognise the importance of academic freedom.

3.8. It is the view of the Committee that responsibility grows from the exercise of responsibility and that academic staff must, therefore, share directly in their own governance and that of the institution in which they work. Adequate representation of academic staff on Senates and Councils and their committees will also ensure that community representatives on Senates and Councils are kept fully aware of the academic needs of the institution.

3.9. Since it is also desirable that academics be made aware of the problems confronting society, care must be taken to appoint as community representatives on Senates and Councils and their committees, people who are actively engaged in solving contemporary problems.

3.10. It is the firm view of the Committee that, in the interests of academic freedom and good governance, Senates and Councils should provide a setting for continuing dialogue between the academic community and members of the wider community.

Interaction Between the Senates and Councils and the Academic Community.

3.11. The relationships between Senates and Councils and the academic communities within institutions are crucial, given the need on the one hand to uphold the concept of academic freedom and on the other to ensure the most effective disposition of resources. Senates and Councils receive advice on academic matters from an Academic Board or Council (subsequently referred to as the Academic Board) and substantial reliance is placed on the judgements of these bodies, which represent the views mainly of the senior academic staff within the institutions. In this context the responsibility of the Senate or Council tends to be viewed in terms of accepting proposals from the Academic Board, referring them back for further clarification or consideration or, in the

last resort, rejecting them. Senates and Councils did not claim to do more than this, and many submissions, indeed, suggested that they merely rubber-stamp the decisions of the academic body.

3.12. The Committee was faced with the question of how far the Senate or Council was justified in probing into the decisions of the Academic Board on academic matters, and whether it had the right not merely to reject a decision of the Academic Board in this area, but to initiate and impose its own decisions on the academic body.

3.13. The Committee is of the view that a Senate or Council is not bound to accept proposals from its Academic Board. It may challenge the proposals and ask for further details or justification, but it would seem to the Committee that it is not the role of a Senate or Council to reject proposals of the Academic Board on grounds relating to course content. To force academic decisions of this kind on the academic body would be quite improper.

3.14. This does not mean, however, that the Senate or Council should play a purely reactive role in general educational matters, merely accepting, referring back or, in the last resort, rejecting the initiatives of the Academic Board. On the contrary, the Committee believes that the Senate or Council might well take initiatives in suggesting to the academic body the possibility of new courses, new teaching methods or research projects being investigated. The Senate or Council should be particularly concerned with the long-term educational planning and development of the tertiary education institution concerned. The Committee considers that the committee structure of each Senate and Council should include an education policy committee for this purpose and that each member of the Senate or Council should be given maximum exposure to these issues (see Recommendation 31).

3.15. It is not proposed here that the Senates and Councils usurp the academic decision-making role of the Academic Board, but that they should not wait for all initiatives in academic matters to emerge from the academic body. Members of Senates and Councils should be prepared to raise questions and propose initiatives which would promote a more active dialogue between Senates and Councils and the academic bodies of institutions and with the community at large.

Accountability

3.16. The terms of reference identify accountability "for the use of public funds and for the wider educational role of the institutions". The meaning of financial accountability is clear. The Committee interpreted the second phrase as meaning accountability to government, students, staff and the wider community for a wide range of activities including teaching, research, administration, the provision of cultural and recreational activities and any other ways in which institutions contribute to the overall post- secondary education system on a statewide, national or international basis.

3.17. The Committee recognises the complex nature of 'accountability' of publicly funded bodies and that it is not confined to monetary matters. Accountability is taken to embrace accountability to the community for the expenditure of public funds, to students and staff for the proper exercise of administrative power, to students for the quality and relevance of the education received and to employers and the professions for the performance capability of graduates, in so far as this is within the capacity of the institutions.

3.18. Demands for greater 'accountability' appear on some occasions to be based on little more than an imprecise and unsubstantiated belief that public money is somehow being wasted or squandered by public officials. If accountability goes no further than this, it is hardly a useful concept. On the other hand, recent developments have increased the sophistication of techniques used to assess the operation of public bodies. Improved standards of reporting of financial information, administrative review, and evaluation of performance are increasingly being applied to all public authorities.

Institutions as Statutory Authorities

3.19. As statutory authorities, rather than Government Departments, Universities and CAEs fall outside the traditional concept of direct Ministerial responsibility to Parliament. Recent reports of the WA Legislative Council Standing Committee on Government Agencies and the Senate Standing Committee on Finance and Government Operations, amongst others, have sought to establish the proper framework of public

accountability of such authorities. In particular, these committees have focused on improved reporting requirements to enable Parliament to examine adequately the performance of statutory authorities.

3.20. In principle, the Committee believes that Universities and CAEs should be as accountable as any comparable statutory authority, taking note of the differences between these institutions and, for example, a Government business enterprise. In this way, Universities and CAEs will be subject to the methods adopted by the Western Australian Parliament to scrutinise all Government agencies.

3.21. However, the Committee notes two matters which distinguish Universities and CAEs from many other Government agencies. These are:

(a) the fact that the States have constitutional responsibility for these institutions, but their funding is provided by the Commonwealth: and

(b) the traditional approach to higher education institutions (Universities in particular) as independent of direct Government control.

These issues have been discussed in Chapter 2.

3.22. Government funding and co-ordination of tertiary education is accompanied by an elaborate system of reporting on various aspects of institutions' activities. The Committee notes that Universities and CAEs submit annually to the Commonwealth audited statements of expenditure in relation to grants provided under the States Grants (Tertiary Education Assistance) Acts, together with detailed statistical returns on students, staffing and, in some cases, finances. Annual reports are tabled in the State Parliament and include accounts audited by the Auditor-General. Various other reports of activities of interest to the community are also published, including details of study leave taken by staff and of research in progress. While the reporting requirements of both the Commonwealth and the State are claimed to be burdensome to the institutions, they do ensure that a considerable amount of information is provided on their activities, in keeping with the institutions' position as State statutory authorities in receipt of Commonwealth funds and discharging a service to the community.

3.23. Additional mechanisms for external review of institutional performance include peer review of research programs, accreditation of academic programs in colleges of advanced education, inputs by professional bodies and employers of graduates, and discipline reviews which are directed towards increasing effectiveness and achieving a more efficient use of resources. These are useful in assessing the vitality and value of the educational process.

3.24. The traditional independence of higher education institutions from Government control and direction places the Senates and Councils of those institutions in a unique position. Those bodies have a critical role in ensuring that public funds are used effectively, efficiently and equitably. The Committee believes that the principles of academic freedom and institutional autonomy have come under increasing pressure in recent times as a result, at least in part, of a perception that Senates and Councils are not performing this evaluative function adequately.

3.25. In the Committee's view, the correct balance between demands for institutional autonomy and academic freedom on the one hand and accountability on the other cannot be settled according to a simple formula, nor is it fixed for all time. Rather, it is a relationship between Government and institutions which is constantly evolving to meet contemporary demands. The Committee affirms that an active Senate or Council is the most appropriate mechanism to ensure that a desirable balance is struck between demands for independence and accountability.

3.26. The Committee has earlier urged that the principle of independence of higher education institutions from direct Government control should continue to be observed. Governments should not be involved in the direction of what academics teach or research, within the parameters of broad policy guidelines and funding priorities. At the same time, the Committee recognises that the public has a legitimate interest in the effectiveness of institutions in the performance of their functions of teaching and, as appropriate, research.

3.27. Four aspects of accountability are discussed below: financial reporting, administrative review, performance review, and policy accountability.

Financial Reporting

3.28. The Committee is satisfied that, within the requirements of existing auditing and reporting regulations, funds are being applied for the purposes intended.

3.29. The Committee believes that financial reporting must move beyond checking compliance with broad guidelines as to expenditure of funds towards the presentation of more detailed financial information to the Senates and Councils as well as to external bodies, including Parliaments. Institutions should take note of recent reforms begun in the Commonwealth public sector. These include a movement towards program budgeting: "a shift from the present system of budgeting by line items covering inputs to programs - resources used - to a form of budgeting in which funds are allocated to outputs, functions or activities"[8]. Such a program budgeting format would enable programs to be identified, "each related to a distinctive purpose or objective in terms designed to facilitate the assessment of the effectiveness of programs in meeting those objectives"[9].

3.30. Studies have shown that the application of such budgeting principles to government organisations gives rise to problems, including the major difficulty of defining objectives against which performance is to be assessed. Nevertheless, indicators of performance in higher education are focused to a much greater extent than desirable on input data. A move to assessment of outcomes is seen as a desirable step towards ensuring effective scrutiny of the performance of Universities and CAEs by Senates and Councils and by Parliament.

3.31. The issue of financial reporting by Government agencies is currently under consideration by the Legislative Council Committee on Government Agencies. The Committee is therefore unwilling to recommend changes in the legislation at this time.

Recommendation 1

The Committee recommends that Senates and Councils explore the standard and usefulness of financial data currently presented to them.

42991 - 6

Recommendation 2

The Committee recommends that the matter of financial reporting by Universities and CAEs be examined by the Legislative Council Committee on Government Agencies, which is able to consider financial reporting in the context of all Government agencies and, where appropriate, recommend system-wide reporting requirements.

Administrative Review

3.32. The Committee notes the very significant developments in administrative law over the past decade. These include the appointment of State and Commonwealth Ombudsmen and, at the Commonwealth level, the establishment of the Administrative Appeals Tribunal (AAT) and significant extensions to the ambit of judicial review of administrative decisions.

3.33. The Commonwealth legislation now gives clients of Commonwealth instrumentalities the right of access to much information held by Government, the right in many cases to written statements of reasons for decisions made by public officials, and the right to appeal to the AAT, and in some cases to a federal court, against many decisions of Commonwealth instrumentalities.

3.34. At present the two Universities and WAIT are subject only to the requirements of the Parliamentary Commissioner Act, 1971-1982 (WA), which gives individuals the right to seek investigation by the State Ombudsman of alleged unreasonable or unjust exercise of administrative power. The WA College is not subject to this Act, although this seems to be an oversight rather than a policy decision.

Recommendation 3

The Committee recommends that steps be taken to bring the WA College of Advanced Education within the Ombudsman's jurisdiction, either by having the College added to the Schedule to the Parliamentary Commissioner Act or, if appropriate, by amendment to the Western Australian College of Advanced Education Act.

3.35. Institution staff are constantly performing administrative functions. The present system leaves rights of redress against unreasonable use of administrative power to Statutes made pursuant to the institutions' Acts, or to practices adopted by Senates and Councils. Each institution has established its own system of dealing with such complaints. The result is that staff and students at the various institutions have differing entitlements to redress in circumstances of unreasonable use

of administrative power. No campus holds institutional administrators accountable for their actions to the same extent as are Commonwealth public officials under the procedures for review of Commonwealth administrative action.

3.36. The Committee believes there is no reason why institutions should differ on the availability of rights of redress against unreasonable administrative action. It considers it appropriate that over-arching legislation be prepared to establish such rights on a system-wide basis. The Committee suggests that the Commonwealth administrative law be taken as a starting point for such legislation, with institutions establishing the justification (if any) for their not being required to provide rights of redress which correspond to those currently available to clients of Commonwealth instrumentalities.

3.37. The Committee recognises the complexity of issues involved in administrative review in higher education. It was advised that at the University of WA, internal working parties have taken over two years to move towards a system of appeals against assessment, and that the process is yet to be completed. For that reason, the Committee would prefer that a separate investigation be carried out for the purposes of establishing the basis of legislation.

Recommendation 4

The Committee recommends the appointment by the Minister for Education of a working party comprising individuals experienced in administrative law, along with representatives of institutions, including staff and students, to report on recommendations for legislative change to establish system-wide rights of redress against unreasonable administrative action, these rights to be based on Commonwealth administrative review legislation.

Performance Review

3.38. Accountability is, as already indicated, concerned with far more than expenditure of funds. The fundamental issue is whether students are receiving, within the funds available, the best quality of education possible, which is relevant to their needs and those of employers and the community.

3.39. In this context, the standard and effectiveness of teaching is a vital issue. It is not sufficient that students attend institutions and be awarded a degree. The worth of a university or advanced education award

to the individual and to the community will ultimately be determined by the quality of education received by the student as reflected in the development of intellectual skills. The Committee believes that Senates and Councils cannot be said to be fulfilling their evaluative function unless they are satisfied that all appropriate efforts are being made to improve teaching and learning at their institution. It notes with approval that some institutions have established educational research and development units which are providing useful inputs into these areas.

Recommendation 5

The Committee recommends that each institution continue to develop constructive staff development programs concerned with staff performance, and with the effectiveness of teaching techniques (lectures, tutorials, use of new technology) and assessment practices, in terms of their effect on students' learning.

Policy Accountability

3.40. Policy accountability is perhaps the most difficult to resolve of the four categories of accountability considered. Governments legitimately demand responsiveness to policy initiatives, while institutions fear further intrusions by Government upon their traditional autonomy.

3.41. A Senate or Council provides the most appropriate forum for balancing Government demands with the need for a measure of autonomy. The issue of policy accountability centres on the extent and quality of the interface of the Senate or Council with Government on the one hand, and with the academic community on the other, in the process of policy determination. The Committee believes that Senates and Councils should adopt a positive role in strategic planning and the shaping of the institution to face the future.

3.42. To this end, the Committee reiterates its view that each Senate and Council should establish an educational policy committee comprising members of the Senate or Council, academic and general staff, students, and members of the wider community (see Recommendation 31). Through such committees, Governments may be assured that academic policy is determined with full consideration of academic requirements, community and student interests, as well as with Government policy initiatives at

hand. Such a development should be accompanied by a review of internal decision-making processes to ensure that these provide adequate opportunities for discussion, without giving rise to procrastination.

The Role of Senates and Councils

3.43. Senates and Councils clearly bear the ultimate responsibility for the governance of institutions and for accountability. In the legislation, their functions are described in very broad terms such as those contained in the Murdoch University Act, Section 17(2)(a), which provides that the Senate:

> "shall have the entire control and management of the affairs and concerns of the University and may act in all matters concerning the University in the manner which to it appears most likely to promote the objects and interests of the University."[10]

3.44. Further provisions set out some specific powers and functions, including the power to appoint staff, provide courses and award degrees, make Statutes and By-laws, and engage in financial and property transactions. However, for the most part, Senates and Councils are free to determine their mode of operation within the broad guidelines set out in the legislation. In discussions with the various Senates and Councils, there was unanimous agreement that their responsibilities are related to the establishment of goals and policies and do not extend to day-to-day administration, which is undertaken by the chief executive officers and their staff.

3.45. The Committee found it helpful in its consideration of the structure and membership of Senates and Councils to identify their major responsibilities, and also some of the qualities which may be required of their members. The Committee believes that in broad terms Senates and Councils are responsible for ensuring that the institution provides an intellectual and physical environment conducive to the attainment of excellence in learning, teaching, and research. Within this context, their major responsibilities may be summarised as:

i) establishing goals, devising mechanisms for the development of policy initiatives, and determining priorities;

ii) appointing the chief executive officer, which is a vitally important task because the quality and style of the incumbent can have a significant effect on the character of the institution;

iii) making Statutes and By-laws for the good governance of the institution, entering into contracts, and performing other formal acts in the institution's corporate name;

iv) establishing conditions of service for staff, and making appointments of staff;

v) protecting the legitimate interests and rights of students, including the advancement of student health and welfare;

vi) monitoring and evaluating the functioning of the institution to ensure that decisions are being carried out and goals being achieved, and that the internal structures of the institution are working and are still appropriate for the tasks which they have to carry out;

vii) establishing committees of members and non-members to advise and assist the Senate or Council, and delegating to the committees appropriate responsibilities;

viii) subject to the jurisdiction of the courts, other tribunals, or the Visitor, resolving conflicts which may arise between different interests within the institution;

ix) consulting with external groups which have a direct interest in the institution, including employers, trades unions, industry, and the professions;

x) informing the wider community of the institution's aims and achievements, and promoting a better understanding of its role;

xi) protecting academic freedom and institutional autonomy; and

xii) ensuring that the institution maintains internal structures, administrative processes, and adequate reporting mechanisms to provide accountability to the community and to Governments for the efficient and proper use of resources, and for the quality of education and research.

3.46. These are onerous and important responsibilities. Their effective discharge demands that Senates and Councils be composed of discerning, experienced and able people. Given the difficult and challenging times within which Senates and Councils now operate, they need members who are:

i) aware of current economic, social, cultural, educational and political realities;

ii) flexible and ready to respond to change;

iii) ready to probe issues and to make informed judgements about priorities, and able to discern activities of quality and areas of weakness; and

iv) balanced and able to respond in a constructive way to often conflicting pressures whether from outside the institution (such as from Governments, professional or employer organisations) or within it (such as from the academic body, or staff or student associations).

3.47. It follows, therefore, that appointments or elections to Senates and Councils should be made with the greatest care to ensure as far as possible a mix of members with the appropriate skills and expertise who will complement one another. The selection and election of the right kind of members is, of course, largely a matter of judgement, for which legislation cannot provide. What can be done is to structure the Senates and Councils in such a way as to provide representation for various categories of people and interests in order to achieve balance and increase the likelihood of members with the requisite skills being appointed or elected.

3.48. The foregoing remarks apply equally to the membership of Senates and Councils themselves and to their committees, where persons other than Senate or Council members may be involved.

CHAPTER 4

MODELS FOR SENATES AND COUNCILS

4.1. The Committee considered a wide range of evidence regarding the structure of Senates and Councils. The first question to be determined was whether the existing structures provided the most suitable framework, or whether a fundamental change in approach was required.

Possible Frameworks for Senates and Councils

4.2. Although most of the submissions focused on the existing structures, the Committee's attention was drawn to two other modes of governance which might be adopted.

4.3. The first, which is found in many British universities, comprises a widely representative governing body or Court which may consist of some 300 members, with an executive Council of predominantly lay members which has a responsibility for everything that affects the finances of the institution. There is also a Senate which is responsible for academic matters but which can act only within the limits of financial provision determined by the Council. The Council therefore has overriding control and, through the receipt of reports from the Senate, provides a significant form of academic review. The Court usually receives annual reports, and by this means academic matters are presented for public comment and debate. The Committee noted this approach to governance, some aspects of which are reflected in the governance of Australian institutions. However, this mode was not advocated in the submissions, and the Committee did not give it further consideration, believing it to be inappropriate to Western Australia.

4.4. The second kind, which was proposed in a small number of submissions, comprises a board of management of six or seven members. It was suggested to the Committee that such a body would be more effective and responsive and better able to act as an initiator. It would be required to meet frequently, and therefore its members would need to receive payment. There were different views as to its membership:

- One suggestion was that it should be composed entirely of community members selected for their vision and expertise, on the grounds that membership of people from the institution's community would give rise to conflicts of interest.

- Another view was that it should be chaired by the chief executive officer and include a small number of community members, together with one member elected to represent each of the categories of academic and general staff, students, and graduates.

4.5. In either case, such a board would need to appoint committees to provide advice, and for this purpose it could draw on a diverse range of people, including members of the community who would serve in a voluntary capacity. The position of Chancellor could be maintained in the Universities, but chiefly as a ceremonial office. The CAEs might retain a corresponding position.

4.6. Some members of the Committee considered that there were advantages in this approach, particularly in that its operation would be less cumbersome than that of a larger body and it would be able to make decisions more quickly. Also, its members would have the opportunity to gain a fuller understanding of issues than is possible for a body which meets relatively infrequently.

4.7. Its major disadvantage is that it provides limited scope for including representation of a variety of interests and backgrounds, which in turn may have a bearing on accountability. Moreover, such a body would operate in an executive capacity and tend of its nature to be directive in its approach. The Committee believes that this would not be appropriate to the role of a body governing an academic institution. While such a body must be responsive to changing community needs and able to make decisions, it should also be a forum for discussion of educational and other issues among people with a variety of views and perspectives. In the Committee's view, the board of management model would not meet this requirement, and it was not considered further.

4.8. The Committee concluded that any changes to institutional governance should be based on the existing system of a Senate or Council with an appropriate committee structure, and comprising members drawn from both

the community and the institution itself. It therefore considered appropriate structures which would incorporate the existing categories of membership, namely:

- members appointed by the Governor;
- ex officio members;
- elected members; and
- co-opted members.

4.9. This chapter considers possible structures based on these categories of membership. Chapter 5 discusses in more detail the ways in which various interests and groups may be represented on Senates and Councils and their committees.

4.10. Consideration was given to the appropriate balance of internal and external members. Most of the submissions received by the Committee supported the view that Senates and Councils should have a majority of external members, that is, people from the community outside the institution concerned and who are not its employees, officers, or students. They agreed that this was desirable in the interests of keeping the institutions accountable to the community. Some submissions also stated that, as other commitments made it more difficult for external members to attend all meetings, it was necessary to have a considerable preponderance of external members. The majority of the Committee accepted the view that a ratio of approximately 3:2 in favour of external members is appropriate.

4.11. At the same time, the Committee would caution that the distinction between external and internal members, while important, should not be over-emphasised. Members of graduate bodies of institutions are counted as external, but they often retain close ties with their institutions. Staff and students, who are internal members, are also members of the wider community and, because of their first-hand knowledge of institutional affairs, may play an important part in ensuring accountability.

4.12. The Committee agreed upon the need to provide adequate representation of certain interest groups, including students, academic staff, and general staff. The submissions indicated different views as to how this representation should be achieved. One view was that provision for the election of one or more representatives of a particular group was

sufficient. Another view emphasised the need for the considered views of certain groups to be available to Senates and Councils through the ex officio appointment of association presidents. The Committee agreed that, ideally, representation should be achieved through a combination of these methods, although some members leaned more towards one and some towards the other.

4.13. It became clear to the Committee that if the various interests which had been identified were to be included in the membership of Senates and Councils, relatively large bodies of close to thirty members would result. Some members of the Committee considered that this was an acceptable size, and that a structure should be developed which incorporated these interests. Other members believed that Senates and Councils should be smaller, and should be supported by strong committee structures. Representation of the various interests could then be achieved through membership of the Senate or Council itself, or of its committees.

Alternative Models for Consideration

4.14. These divergent views within the Committee led to the development of two possible models for Senates and Councils, the larger model and the smaller model. These are set out in Tables 1 and 2 on pages 31 and 35, and the arguments in favour of each model are contained in the remainder of this chapter.

Table 1 - The Larger Model

MEMBERSHIP	UWA	MU	WAIT	WACAE
Appointed by Governor(a)				
*Employer	1	1	1	1
*Employee	1	1	1	1
*Other	7	7	6	5
Ex Officio				
*Chancellor/Chairman	1	1	1	1
Vice-Chancellor/Director	1	1	1	1
Chairman of Academic Board(b)	1	1	-	-
President of Guild	1	1	1	1
President of ASA(c)	1	1	1	1
President of SOA(d)	1	1	1	1
*Chairman of Board	-	-	1(e)	2(f)
Elected				
Academic staff	3	3	3	3
General staff	1	1	1	1
Student	2	2	2	2
Research student	1	-	-	-
*Graduate body	3	3	3	3
*Co-opted	Up to 4(g)	Up to 3	Up to 3	Up to 3
TOTAL(h)	29	27	26	26
*External : Internal	17:12	16:11	16:10	16:10

(a) As an interim measure, one additional person, not included in the above totals, will be appointed to represent women's interests (see Recommendation 10).

(b) This appointment is not recommended for the CAEs at this time (see paragraph 5.31)

(c) Academic staff association.

(d) Salaried officers' association.

(e) Chairman of Board of the Western Australian School of Mines.

(f) Chairman of Board of Bunbury Institute of Advanced Education and Chairman of Board of Western Australian Academy of Performing Arts.

(g) The extra place in the co-opted category at UWA is necessary to retain the balance between external and internal members in view of the inclusion of an elected research student representative.

(h) These are maximum numbers, assuming that all the co-opted positions are filled.

The Larger Model

4.15. This model meets the requirements of adequate representation as proposed in a number of submissions by including:

- formal representation of relevant associations through ex officio appointments;
- at least one elected representative in each relevant group; and
- maintenance of, or increase in, the level of representation in most groups, the exception being the Convocation of UWA for reasons explained in Chapter 5 (see paragraph 5.44).

4.16. In addition, an appropriate balance of external to internal members, in the ratio of 3:2 (approximately), is maintained, thus providing an acceptable basis for accountability to the community. The number of Governor's appointees has been reduced by one for WAIT and by two for WACAE to retain the balance, given that the Chairmen of Boards of entities within those institutions are eminent members of the community and are ex officio members of the Councils.

4.17. Those members of the Committee who support this model claim that it would:

i) provide a better-informed body because of the greater range of views to be found on it;

ii) enable members to participate more fully in a range of committees;

iii) provide through the ex officio members the official and collective views of large bodies of the staff and students and ensure that these appointees were aware of a range of problems, at least as they affected their own members;

iv) allow a more adequate representation of staff and community interests and thus improve the dialogue between academics and the community;

v) ensure that decisions are not taken too hastily or without enough information; and

vi) enable the Senate or Council to protect itself from the domination of any group or faction.

4.18. This model results in an increase in the number of members of each Senate and Council. In some cases, this would not increase the number of people present at meetings, since the current memberships are expanded by the presence of observers.

The Smaller Model

4.19. Some members of the Committee, while supporting the principle of representation, consider that the inclusion on Senates and Councils of the number of members proposed results in a body which is too large and unwieldy to operate efficiently. They believe that relatively large Senates and Councils have a number of disadvantages in that:

i) formal procedures have to be adopted, resulting in unwieldy meetings;

ii) the opportunity for discussion is limited, making it difficult to penetrate issues;

iii) it is difficult to make detailed and precise decisions, and so the Senate or Council may tend to rubber-stamp decisions brought before it;

iv) members feel less personal involvement in decision-making and consequently less personal responsibility; and

v) there is a tendency for informal cliques to develop, of which the strongest may become, in effect, a de facto executive for the Senate or Council.

4.20. These views were supported by some submissions to the Committee, which emphasised the need for Senates and Councils to be small enough to avoid the above disadvantages. In response to these considerations, some members of the Committee advocate a structure comprising a smaller Senate or Council, with strong supporting committees. Such a structure would accommodate the approach to representation through the appointment, election or co-option to the Senate or Council itself or to its committees, of members of the various groups.

4.21. The arguments advanced in favour of a smaller Senate or Council are that:

i) such a body would be free to debate issues in depth with a minimum of formal procedures, enabling greater participation by members in debate;

ii) the members would feel a strong personal responsibility for, and commitment to, the decisions made;

iii) it would be difficult for a smaller Senate or Council to be dominated by an inner group or faction; and

iv) the Senate or Council would operate more effectively, making decisions more quickly and efficiently, while still enabling a variety of viewpoints to be heard.

4.22. The proposed composition of the smaller model represents what some members of the Committee consider to be the minimum feasible size. The membership of each Senate and Council based on this model is shown in Table 2. Those interests which cannot be accommodated within the membership of the Senate or Council in this model will need to be represented in the committee structure. The Committee has not suggested a machinery for this, but it might be achieved through a combination of legislation and Senate or Council action. The details would need to be worked out in consultation with the institutions concerned.

Table 2 - The Smaller Model

MEMBERSHIP	UWA	MU	WAIT	WACAE
*Appointed by Governor(a)	4	4	4	4
Ex Officio				
*Chancellor/Chairman	1	1	1	1
Vice Chancellor/Director	1	1	1	1
Elected				
Academic staff	1	1	1	1
General staff	1	1	1	1
Student	1	1	1	1
*Graduate body	1	1	1	1
*Co-opted	2	2	2	2
TOTAL	12	12	12	12
*External : Internal	8:4	8:4	8:4	8:4

(a) As an interim measure, one additional person, not included in the above totals, will be appointed to represent women's interests (see Recommendation 10).

4.23. This model results in a very compact Senate or Council of twelve people, with an adequate balance of external and internal members. All the appropriate interest groups are represented and provision is made for co-option as well as for community members to be appointed by the Governor. On the question of representation, advocates of the smaller model support the view that large internal interest groups such as staff and students can be adequately represented by a small number of members, especially if these members are elected. They believe that these persons could more readily be heard and could wield more influence on a relatively small body than could a greater number of people on a larger body.

4.24. The adoption of this model would mark a substantial change in institutional governance. A body of this size would be able to operate more flexibly in terms of meeting-times and procedures and there would be the opportunity for all members to participate fully in discussions. However, the small model is regarded by some members as impractical and unworkable because of the restricted range of interests and ideas that

would be represented. Those members believe that as a result the Senate or Council would be more likely to be dominated by the administration or an inner group.

4.25. Some members of the Committee are concerned about the omission from the membership of the presidents of associations, who are included in the first model as ex officio appointees. These members believe that a Senate or Council structured according to this model might invite the association presidents to attend meetings as observers, thus in effect creating a larger body. One member of the Committee who supported the notion of a small Senate or Council advocated appointing the presidents of student and staff associations ex officio in place of the elected student and staff representatives, but other members could not agree with this proposal.

4.26. It is the view of the Committee that if this model were adopted, the Committee structure of the Senate or Council would be especially important, and presidents of associations would need to be appointed, ex officio, to the major committees such as the education policy and finance committees. This notion will be discussed further in chapter 6.

The Committee's Position

4.27. Even after a great deal of discussion, the Committee is unable to propose an agreed structure for the Senates and Councils of the Universities and CAEs. Members decided that, despite the great range of agreement that had been reached on other matters, on this question they had no choice but to agree to differ.

4.28. The Committee recognises that various compromise models could be drawn up. At one stage it began such an exercise but abandoned it, deciding to offer the two proposed models as a basis for further discussion before legislation is prepared.

Recommendation 6

The Committee recommends that consideration be given to the two proposed models for Senates and Councils:

- **the larger model as described in Table 1; and**
- **the smaller model as described in Table 2.**

CHAPTER 5

CATEGORIES OF MEMBERSHIP AND INTERESTS TO BE REPRESENTED

5.1. In chapter 4, the Committee described alternative models for Senates and Councils, which were developed after taking into account the need to achieve adequate representation of various interests and an appropriate balance of membership. These models emerged after the Committee had fully considered each category of membership and identified the principles which it believed should be applied in each case. These principles are set out in this chapter, together with a description of the categories of membership and the interests which the Committee considers should be represented in each category.

Appointed Members

5.2. The continued appointment of members of the community was unanimously supported in the submissions, both as a means for drawing on the expertise of people with a variety of backgrounds for the benefit of the institution, and as a way of meeting the need for accountability. The Committee considers that community members form an essential component of the Senates and Councils of institutions, and suggests that they also be appointed to Senate and Council committees on a regular basis.

5.3. Deciding which interests in the community should be represented on Senates and Councils is difficult because there are so many for which a valid claim can be made. These include:

i) Private sector employer interests - employers have been well represented and are generally considered to provide an essential input.

ii) Employee interests - employees comprise a major group in the community and a number of submissions argued that their interests should be represented.

iii) Women's interests - women have been under-represented in the past, although this is likely to change as the principles of equal opportunity gain increased acceptance.

iv) Rural interests - the State's dispersed population gives rise to the need for the interests of country-based students and residents to be given special consideration.

v) Aboriginal interests - members of the Aboriginal community have special difficulties in seeking tertiary education and their needs should be recognised.

vi) Ethnic interests - the Committee was informed that at least 35% of the State's population is of non-English speaking background, but this has not been reflected in the membership of Senates and Councils.

vii) Other interests, such as primary and secondary industries, commerce, finance, the professions, the public sector, health and welfare, the arts, education, and research.

5.4. The Committee recognises the importance of all these interests, but clearly it would not be feasible to legislate for them all to be represented at all times on all Senates and Councils. Nevertheless, the Committee believes that all interests should be given representation from time to time, and with some regularity, on Senates and Councils and their committees. The interests of employers, employees and women are considered to be of particular importance in institutional governance at the present time, and it is proposed that specific provision be made for these interests to be represented for the reasons outlined below.

Employer and Employee Interests

5.5. Individuals able to express the interests of private sector employers have always been well represented on Senates and Councils. There have been, however, no representatives of organised employer interests. Employers are closely concerned with the quality of graduates and the nature of the studies undertaken by present or potential members of the workforce, and their representation should be continued.

5.6. There has been no tradition of including representation of employee interests on Senates and Councils. Employees form an important group in a democratic society with a capitalist economy, and its members have aspirations for their children and a valid interest in tertiary education. Provision should be made for them to be represented.

5.7. The employer and employee representatives are likely to view some issues from different perspectives, and the Committee believes that the injection of this diversity of outlook will enrich the debate within Senates and Councils and their committees and enhance the decision-making process.

5.8. In discussion with both employer and trade union organisations, it was suggested to the Committee that the organisations should have a role in the selection of individuals to represent their interests. It was pointed out that such organisations are in a position to suggest individuals who are actively engaged in business and industry and who are able to bring a vitality and awareness of current issues to the debates.

Recommendation 7

The Committee recommends that private sector employer interests be represented:

(a) in the larger model, on the Senate or Council itself; or

(b) in the smaller model, on the Senate or Council itself or on its major committees.

Recommendation 8

The Committee recommends that employee interests be represented:

(a) in the larger model, on the Senate or Council itself; or

(b) in the smaller model, on the Senate or Council itself or on its major committees.

Recommendation 9

The Committee recommends that both employer and employee organisations have a role in the selection of individuals to represent their interests on Senates, Councils, or their committees, as appropriate.

Women's Interests

5.9. Community awareness of the concept of equal opportunity for women has greatly increased in recent years and the Committee hopes that in years to come the memberships of committees and boards will include a balance of the sexes in the normal course of events. Until such time as this is achieved, however, the Committee believes that special measures are needed to ensure that women's interests are adequately represented on Senates and Councils.

5.10. One possibility is to provide, either in the legislation or as a matter of policy, that the membership of each Senate and Council include a certain minimum number or proportion of women members. This is the approach adopted in the Victorian Report referred to in paragraph 2.19 above. The Committee supports this approach, but notes that it would give rise to difficulties in practice, as Senates and Councils include in their membership both elected and ex officio members. To require the balance of the sexes to be maintained through the appointment and co-option of members could unduly restrict the selection of people in those categories. The Committee therefore favours, as an interim measure, the appointment of a person to represent women's interests.

Recommendation 10

The Committee recommends that:

(a) with respect to either model, the relevant Acts provide, as an interim measure, for the appointment by the Governor to the Senate or Council of an extra person to be representative of women's interests, to be chosen by the Minister after consultation with the Women's Advisory Council;

(b) this position continue until such time as the proportion of women members on the Senate or Council reaches one-third of the total membership; and

(c) the appointee at that time complete the current term and no further appointments be made in this category, even if the proportion of women members subsequently falls below one-third of the total membership.

Selection of Governor's Appointees

5.11. While appointments of community members to Senates and Councils are made by the Governor, in practice the Governor acts on advice of the Cabinet, and the Minister for Education has a major role in selecting appointees.

The Minister, in turn, would normally consult with representatives of the institutions concerned and with various individuals and organisations before submitting names through Cabinet to the Governor.

5.12. Opinions vary on the extent to which there should be legislative contraints on the selection of appointees. The options include providing in the relevant Acts for the Governor to appoint:

i) a specified number of people, which places no restrictions on the power to appoint, thus leaving the selection effectively in the hands of the Cabinet on the advice of the Minister;

ii) people representative of specified interests such as industry, commerce, finance, and education, which gives considerable freedom regarding the selection of appointees and the process of consultation;

iii) a certain number of people, following consultation with specified groups, which requires the Minister to consult with those groups but does not necessarily mean that their suggestions will be adopted; and

iv) people nominated by specified groups, or chosen from amongst such nominees, which curtails the freedom of choice considerably.

5.13. The Committee believes that the Minister should have considerable choice in selecting community members. At the same time, however, it believes that the importance of certain interests is such that their inclusion should be ensured. The Committee, therefore, proposes a combination of the second and fourth of the above approaches.

Recommendation 11

The Committee recommends that if the larger model is adopted, the Act governing each institution provide for the appointment by the Governor to the Senate or Council of persons * having qualifications and experience appropriate to the governance of the institution, of whom:

(a) one would be representative of private sector employer interests and would be chosen by the Minister from among nominations received from the following organisations: the WA Chamber of Commerce and Industry, the Confederation of WA Industry, and the Chamber of Mines of WA;

---

* As can be seen in Chapter 4, the number of proposed appointees may vary from institution to institution.

(b) **one would be representative of employee interests and would be chosen by the Minister from among nominations received from the Trades and Labor Council of WA; and**

(c) **the remainder would be representative of the community, having regard to the desirability of including persons with interest and experience in some or all of the following areas -**

Aboriginal interests
the arts
commerce
education
ethnic interests
finance
health and welfare
primary industry and rural interests
the professions
the public sector
research activity
secondary industry
women's interests

5.14. While it is not proposed that the legislation require the Minister to consult with particular individuals or groups when seeking people for appointment under category (c) above, the Committee believes that it is essential for the Minister to consult widely and take into account the balance of interests already represented on the Senate or Council concerned, with a view to ensuring that some interests are not under-represented. The legislation would need to provide for the Minister to choose people representative of employer and employee interests should no nominations be received at the appropriate time.

Recommendation 12

The Committee recommends that if the smaller model is adopted, appropriate provision be made, in consultation with the institutions concerned, for the inclusion of the interests referred to in Recommendation 10 in the combined membership of the Senate or Council itself and its committees.

Links With Secondary Education

5.15. The Committee believes that it is essential for the tertiary education institutions to maintain links with other levels of education, and that one way of achieving this is through the appointment to Senates and Councils or to their committees of persons with knowledge and expertise in secondary or technical and further education. Currently, the legislation provides for the Director-General of Education or his nominee to be appointed, ex officio, to the Senates of the two Universities and the WAIT Council, but not to the WA College Council.

5.16. The Committee considered three possibilities:

i) to provide for the appointment, ex officio, of the Director-General or his nominee in accordance with past practice;

ii) to provide for the appointment, ex officio, of the Chairman of the Secondary Education Authority or his nominee on the grounds that the Authority is involved with all secondary schools, including Catholic and independent schools, and is closely involved in policy formulation concerning the upper secondary school curricula and examinations, and selection for tertiary entrance; and

iii) to make no specific provision in the legislation, but to urge that an appointment of this nature be made under the provisions for appointing community members.

5.17. The issue was raised with the institutions and the Director-General (who at present is also the Chairman of the Secondary Education Authority). All agreed on the value of the input, but their views differed as to the means of achieving it. Some favoured the appointment of the Director-General, some the Chairman of the Authority, and some a senior member of the Education Department of WA. In these circumstances, it would be inappropriate to require in the legislation that one of these officers be appointed. Instead, the Committee proposes that such an appointment be made within the provisions for appointing community members.

Recommendation 13

The Committee recommends that, within the provisions for appointing community members to Senates, Councils or their committees, as appropriate, consideration be given to the appointment of a person who may be:

- **the Director-General of Education;**
- **the Chairman of the Secondary Education Authority; or**
- **a senior officer of the Education Department of WA;**

and that the Minister consult with Senates and Councils, the Director-General and others in the selection of such an appointee.

Political Appointments

5.18. Some submissions proposed the appointment to Senates and Councils of two members, of whom one is nominated by the Premier and the other by the Leader of the Opposition. The Murdoch University Act, Section 12(1)(i), currently provides for such appointments to the Senate. This enables the Opposition to nominate a member who may have different qualities and political views from those selected by the Premier and the Minister, and suggests a bipartisan approach to institutional governance. On the other hand, the Committee sees little value in highlighting party politics in the membership of Senates and Councils, especially if the extent of the Opposition's role is the nomination of a single member. Moreover, the inclusion of an unfettered power to nominate members introduces an unknown element into the membership structure which might disturb the balance of interests and expertise on Senates and Councils. The Committee recommends that this provision be deleted from the Murdoch University Act.

Recommendation 14

The Committee recommends that section 12(1)(i), which provides for the appointment to the Senate of two members nominated by the Premier and the Leader of the Opposition, respectively, be deleted from the Murdoch University Act.

Ex Officio Appointments

5.19. The number of ex officio appointments to Senates and Councils is currently fairly small. The provisions vary among the institutions. However, in addition to the position of the Director-General of Education, which was discussed in paragraphs 5.15 - 5.17, the following ex officio appointments are made to one or more of the Senates and Councils: Chancellor or Council Chairman; Vice-Chancellor or Director; and Student Guild President. There was considerable agreement in the submissions that these appointments be continued, and a number of submissions proposed that presidents of staff associations also be appointed ex officio to Senates and Councils. These appointments are discussed briefly below.

Chancellor or Council Chairman

5.20. The Chancellor of the University of WA is at present elected annually from among members of the Senate, and there is no restriction on the number of terms for which the office may be held. The Murdoch Senate and the WAIT and WACAE Councils elect their Chancellor or Chairman from within or outside their membership for terms of up to three years, and the Acts do not explicitly limit the number of terms for this office, although there are limitations on the number of successive terms which may be served by members.

5.21. The UWA Senate has requested that, in order to enable a wider range of people to be considered, it should be possible for it to elect a Chancellor either from within its ranks or from the community at large. This would make it desirable to extend the term of office of the Chancellor. It also raises the question of whether the election of a Chancellor from within the Senate should create a casual vacancy. There was wide agreement in the submissions to the Committee that the period of office of a Chancellor or Chairman should be limited, although some argued that there might be provision for an extension, in special circumstances, of one term beyond the ordinary limit. The Committee does not favour such an extension.

Recommendation 15

The Committee recommends that:

a) **all Senates and Councils be empowered to elect a Chancellor or Chairman from within their own ranks or the community at large;**

b) **if the Chancellor or Chairman is elected from within the Senate or Council, a casual vacancy be created in the category of membership previously occupied; and**

c) **the term of a Chancellor or Chairman be for three years and that no person be eligible to hold the office for more than three successive terms (excluding any terms already served as a member of the Senate or Council).**

Vice-Chancellor or Director

5.22. The inclusion of the chief executive officer on Senates and Councils is universal and the Committee considers that it should be continued.

Recommendation 16

The Committee recommends that the chief executive officer be a member ex officio of the Senate or Council.

Student Guild President

5.23. There was widespread support for the ex officio appointment of the Student Guild Presidents to the Senates and Councils. The Committee believes it is important for the considered views of the students to be expressed through the Student Guild to the Senate or Council or its committees.

Recommendation 17

The Committee recommends that the President of the Student Guild be appointed ex officio:

(a) in the larger model, to the Senate or Council; or

(b) in the smaller model, to Senate or Council committees, as appropriate.

Presidents of Staff Associations

5.24. The question of the nature of representation of staff associations is both complex and contentious. It is a central issue in the debate concerning the structure of Senates and Councils, and one to which the Committee gave careful consideration. In particular, different views were expressed about the need for ex officio representation of these associations, through their presidents.

5.25. Currently, staff association presidents are not ex officio members of Senates and Councils but, in practice, they are invited to attend meetings as observers and, in most cases, may participate in the proceedings upon being granted leave to speak (although they may not vote).

5.26. Representatives of the staff associations unanimously argued for the ex officio appointment of their presidents. Some other submissions also argued for such appointments and a significant number of people, while not actively supporting such representation, were not prepared to oppose it. In favour of the ex officio appointments it was argued that:

i) it is important to give staff associations the right to make their views known to Senates and Councils or their committees, and this is not achieved through observer status;

ii) the appointments would result in Senates and Councils being better informed on some issues, since association presidents are able to convey the considered views of a broad cross-section of the groups they represent;

iii) the appointments would enable some matters with industrial implications to be resolved before they reach a stage of confrontation;

iv) the associations concerned are professional organisations with interests which extend beyond industrial matters, and it is unlikely that the input would be confined to industrial issues; and

v) the future of both staff and student groups is dependent on the health of the institution and so these groups have a vested interest in the well-being of the institution as a whole.

5.27. There were strong arguments from the representatives of three of the Senates and Councils, and other people who made submissions to the Committee, against ex officio appointments with particular reference to presidents of staff associations. (At the Universities, the appropriate officer of the Salaried Officers' Association would be the Chairman of the relevant Branch Committee). The reasons given for opposing these appointments included the following:

i) that such persons would focus narrowly on industrial matters;

ii) that their presence would lead to the adoption of adversary positions within the Senate or Council;

iii) that they would be obliged to vote in certain ways as dictated by their association;

iv) that they would tend to lose sight of their overriding duty to the Senate or Council itself;

v) that presidents are eligible to hold office as elected staff representatives and are likely to be elected to Senates and Councils if they have the confidence of the staff as a whole; and

vi) that their attendance as observers would enable the associations' views to be made known, and would obviate the need for them to be members.

5.28. The Committee was aware that the Senates and Councils, with the exception of the WA College Council, opposed the ex officio appointment of presidents of staff associations. Yet, the fact that these officers are invited to attend meetings as observers, suggested to the Committee that there must be some acknowledged benefits in their presence at meetings, and was considered to undermine, in part, the arguments against their appointment as ex officio members of Senates and Councils.

Recommendation 18

The Committee recommends that the presidents of associations of academic and general staff be appointed ex officio:

(a) in the larger model, to the Senate or Council; or

(b) in the smaller model, to Senate or Council committees, as appropriate.

Chairman of Academic Board (or equivalent)

5.29. The Academic Board or its equivalent is an internal committee composed mainly of senior academic staff, which is responsible for providing advice on academic matters. It is an important and influential body, particularly in the Universities, where there is a strong tradition of involvement of the academic body in those aspects of governance concerned with education and research. The Committee considers that the Chairman of the Academic Board should be elected, as is the case at UWA and in the equivalent bodies at WACAE.

5.30. The Committee considers that, in the Universities, it is important to enable the Senate to benefit from the Chairman's special knowledge of academic matters, and of the views of the academic body within the institution. This can be achieved through the ex officio appointment of the Chairman of the Academic Board.

5.31. In view of the different traditions and practices regarding the position of the Academic Board (or equivalent) in Universities and CAEs, such appointments are not recommended to the WAIT or WACAE Councils at this time. However, the Committee believes that in these circumstances, it is important for the officer concerned to be a member of the proposed education policy committee.

Recommendation 19

The Committee recommends that in the Universities and CAEs the Chairman of the Academic Board (or equivalent body) be elected by the membership.

Recommendation 20

The Committee recommends that in the Universities, the Chairman of the Academic Board (or equivalent body), if elected, be appointed ex officio:

(a) in the larger model, to the Senate and to the proposed education policy committee; or

(b) in the smaller model, to the proposed education policy committee only.

Recommendation 21

The Committee recommends that in the CAEs, the Chairman of the Academic Board (or equivalent body) be appointed ex officio to the proposed education policy committee in either model.

Elected Members

5.32. There was strong support in the submissions for the retention of elected members on Senates and Councils. The Committee considers that they constitute an important category and recommends that this category be retained. Not all those who are eligible choose to join an association formed to further the interests of their group, but all should have the opportunity of voting for a person to represent their interests on the Senate or Council. Those elected may often be members or office-bearers of the relevant association, but this will not always be the case.

5.33. Various suggestions were made in the submissions for changes in the number of people elected to represent the groups concerned, in some cases to increase and in some cases to decrease the current numbers which, in any case, vary among the institutions. The question as to how many elected representatives of a particular group are needed to constitute adequate representation was one on which there was a

divergence of views. It was argued before the Committee that the election of at least two, and preferably more, members enables a range of views to be presented, and that this is important in view of the diversity of the groups concerned. On the other hand, it was argued that in a small body one voice might carry more weight in debate than two or more in a larger body.

Academic Staff

5.34. The Committee considers that academic staff have an important contribution to make to institutional governance on the basis of their involvement in and commitment to the educational aims and operations of the institution, and they should continue to be represented on Senates and Councils.

5.35. Currently, academic staff representatives are elected by members of the full-time academic staff. The Committee believes that the electorates should be extended to include staff employed on a less than full-time basis who nevertheless have a long-term commitment to the institution. Those tenured or contract staff employed on a fractional-time basis would be included in this category.

5.36. It was suggested to the Committee that an elective position be reserved on the Senate or Council for a temporary staff member on the grounds that the needs of this group have been seen to be neglected in the past. The Committee recognises that attention should be given to the needs of temporary staff but believes that the academic staff associations should take this matter up through normal channels within the institutions. It does not consider it appropriate for a position on the Senate or Council to be set aside for a temporary staff member but is of the opinion that such staff could be encouraged to stand for election.

Recommendation 22

The Committee recommends that:

(a) the academic staff elect one or more of their number to the Senate or Council as set out in Tables 1 and 2;

(b) academic staff employed on a less than full-time basis who nevertheless have a long-term commitment to the institution be eligible to vote in elections in this category of membership; and

(c) the institutions be consulted as to the appropriate means of providing for this in the legislation.

General Staff

5.37. The general staff comprise a sizeable group of non-academic salaried staff and wages staff who have an interest in and commitment to the institution. The Committee considers that this group should elect a member to the Senate or Council.

5.38. One view put to the Committee was that an elected representative of the general staff should be a member of the Salaried Officers' Association, elected only by Association members. This view is not accepted by the Committee on the grounds that this would deprive some salaried staff and all wages staff of representation. At the same time, the Committee was not persuaded of the need for a separate elected representative of wages staff. The Committee believes that salaried staff and wages staff employed on a full-time or fractional-time (but not a casual) basis should be eligible to vote and to stand as candidates for election in this category.

Recommendation 23

The Committee recommends that:

(a) the general staff elect a member to the Senate or Council;

(b) general staff employed on a full-time or fractional-time (but not casual) basis be eligible to vote in elections for this position; and

(c) the institutions be consulted as to the appropriate means of providing for this in the legislation.

Students

5.39. Students form the largest single group of people within the institution and they have a vital interest in the way in which the institution develops. The Committee considers that they should continue to elect one or more members to Senates and Councils, depending on the model adopted.

5.40. The WAIT Act, section 9(1)(ga) requires that student members of the Council be members of the Student Guild elected by members of the Guild Council. The Committee believes that elected student members should be elected by all enrolled students, since those who choose not to be members of the Guild should still have an opportunity to vote for a representative on the Senate or Council. If provision is made for

separate representation of certain research students (see below), then those students, as defined, should be ineligible either to vote or to stand as candidates for election in this category.

Recommendation 24

The Committee recommends that:

(a) students elect one or more members to the Senate or Council, as set out in Tables 1 and 2; and

(b) all students be eligible to vote in elections in this category of membership.

Research Students

5.41. The Committee accepts the view presented to it that full-time higher degree research students at UWA have special needs which cannot be adequately represented by undergraduate members of the Senate. It is understood that UWA is the only institution with a substantial number of such students. The Committee was informed that a high proportion of students studying for higher degrees by research at Murdoch University are engaged in full-time work and undertake their studies on a part-time basis.

5.42. Consideration was given to the ex officio appointment to the UWA Senate of the president of the Postgraduate Students' Association, who currently attends Senate meetings as an observer. However, it is understood that members of staff who are also enrolled in postgraduate courses are eligible to hold the position of president, and the Committee believes that staff should not gain an additional position on the Senate by this route. An elective position is therefore considered more suitable. A corresponding elective position may be appropriate for Murdoch and perhaps other institutions in the future, should there be sufficient students in the relevant category to warrant it.

Recommendation 25

The Committee recommends that, at the University of Western Australia, a person be elected by and from among full-time higher degree research students:

(a) in the larger model, as a member of the Senate; or

(b) in the smaller model, as a member of an appropriate Senate committee.

Graduate Body

5.43. Graduates who have spent some time in the wider community have a useful contribution to make to institutional governance because, although they are engaged in various pursuits outside the institution, they retain a special interest in it, and especially in its academic standing. In this way they help to bridge the gap between the institution and the community. The Committee considers that the representation of graduate bodies on Senates and Councils should be continued.

5.44. The submissions indicated a widely-held view that the Convocation representation of six members on the UWA Senate has been too large. In the Committee's view, this high level of representation is a legacy of the early structure of the University and is no longer appropriate. It should therefore be reduced.

5.45. The Committee believes that graduate bodies have an increasingly important role to play in supporting their institutions, through the provision of funds and by speaking out on issues with a view to enhancing community understanding of institutions' aims and achievements. A number of submissions made the point that the membership of some graduate bodies, especially the UWA Convocation, was composed predominantly of people who had graduated many years ago, and that recent graduates seemed less likely to become members. The Committee believes that the graduate bodies should take steps to encourage recent graduates, as well as those of longer standing, to take an active role in the organisations.

Recommendation 26

The Committee recommends that members of the graduate bodies elect one or more of their number to the Senates and Councils as set out in Tables 1 and 2.

Co-opted Members

5.46. In discussions with the Committee, the Senates and Councils indicated that the power to co-opt members was valuable in enabling them to draw on experienced people in the community to fill any perceived gaps in expertise among the membership. They would like this power to be retained. On the other hand, some submissions suggested that the power to co-opt could be, and at times was, used by an influential subgroup

within a Senate or Council to recruit more like-minded people in order to strengthen their power-base. It was also suggested that in many instances co-opted members had characteristics and expertise corresponding to those of the Governor's appointees, and the question was raised as to whether the power to co-opt should be continued.

5.47. The Committee considers that the power to co-opt is a useful one which should be available to all Senates and Councils. This will require an amendment to the WACAE Act which currently provides for members to be appointed by the Minister on the recommendation of the Council. The Committee is of the view that the power to co-opt should be unfettered, and proposes that the requirement in the UWA Act that one of the co-opted members should have served in the armed forces and two should be members of Convocation, be deleted.

5.48. It was brought to the Committee's attention that the Murdoch University Act, in section 12(1)(j), prevents full-time staff of other institutions from being co-opted to the Murdoch Senate. None of the other Acts contains a corresponding provision. The Committee believes that, in general, staff from one institution should not be members of the Senate or Council of another. However, there may be occasions when an institution would benefit from the expertise of a person who is a member of staff of another institution, and it should not be precluded from co-opting the person in those circumstances. Moreover, it is considered that the position for each institution should be the same.

5.49. The Committee is concerned that the power to co-opt should not be seen as being open to abuse, and believes that a useful safeguard would be to require co-opted members to be elected by a two-thirds majority of members, other than co-opted members, of the Senate or Council concerned.

Recommendation 27

The Committee recommends that:

(a) the Senates and Councils be empowered to co-opt two or more members as set out in Tables 1 and 2;

(b) the Acts governing the institutions require that co-opted members be elected by a two-thirds majority of members, other than co-opted members, of the Senate or Council;

(c) section 9(1)(i) of the Western Australian College of Advanced Education Act be deleted and replaced by a power to co-opt as referred to in paragraph (a) above;

(d) the limitations on the power to co-opt contained in the provisos to section 10(g) of the University of Western Australia Act be deleted; and

(e) section 12(1)(j) of the Murdoch University Act be amended so that full-time staff of other institutions no longer be prevented from being co-opted to the Murdoch Senate, and the Murdoch Act conforms with the Acts of the other institutions in this respect.

Observers

5.50. It was argued in some submissions that, as many of the decisions are arrived at by consensus, the presence of observers who participated in discussion threw the Senate or Council out of balance. The Committee accepts this view and considers that the practice of inviting people to attend meetings as observers should be discontinued. If the presence of particular persons such as presidents of staff associations is beneficial, then they should be present as full members, and the balance of membership adjusted accordingly.

5.51. This would not prevent certain individuals, such as senior members of staff, from being invited to attend meetings to make special contributions. For example, Deputy Vice-Chancellors could attend meetings of the UWA Senate as they do now. Attendance of this nature is considered to be quite different from the attendance of observers in the sense referred to above.

Recommendation 28

The Committee recommends that the attendance at Senate and Council meetings of observers who may participate in the discussion be discontinued.

CHAPTER 6

THE COMMITTEES OF SENATES AND COUNCILS

6.1. Senates and Councils are ultimately responsible for all decisions concerning institutional governance, but their activities and responsibilities are by no means confined to the monthly Senate and Council meetings. Integral to the decision-making process are committees which undertake much of the groundwork upon which the decisions of the Senates and Councils are based.

6.2. There are several advantages inherent in the committee structure. Participation in committees enables members of Senates and Councils to become more closely involved in some aspects of governance, and to develop a more detailed knowledge of certain areas. Committees also provide the time and opportunity for exploring issues in some depth before preparing recommendations for the consideration of the Senate or Council. Moreover, responsibility to make decisions within certain defined limits may be delegated to committees, thus leaving Senates and Councils free to discuss longer-term issues.

6.3. The existence of committees also provides an opportunity to involve a wider cross-section of the community in institutional governance through the appointment to committees of individuals with appropriate expertise who are not members of the Senate or Council itself. This will enable a broader variety of views to be considered at an early stage in discussions and will give institutions the benefit of additional expertise without increasing further the size of Senates and Councils. The Committee understands that some, but not all, institutions adopt this practice to a limited extent. It was pointed out to the Committee that the Murdoch University Senate's power of delegation, as specified in the Act, seems to prevent it from making full use of this opportunity by permitting delegation only to committees composed entirely of Senate members. The Committee considers that this provision should be amended (see Recommendation 43).

Recommendation 29

The Committee recommends that the Acts governing institutions be reviewed and, if necessary, amended to allow and require Senates and Councils to initiate or increase the practice of appointing to

committees people who are not members of the Senate or Council itself, and who include members of the community, members of staff, and students.

6.4. The Committee did not study closely the committee structures at the institutions as it did not wish to intrude unduly on the rights of Senates and Councils to organise their internal affairs. Yet, the Committee is conscious that the work done by committees has an important bearing on the quality of Senate and Council decisions, which may be affected to a considerable extent by:

- the thoroughness or otherwise of debate in committees;
- the terms in which committee recommendations are submitted; and
- the manner of reporting committee proceedings to the Senate or Council.

6.5. Senates and Councils need to keep their committee structures under review and to ensure that committees are established to cover areas of need as they emerge. For example, Senates and Councils should ensure that committees are established to oversee student services, including health, welfare, and child care in consultation with Student Guilds.

Recommendation 30

The Committee recommends that Senates and Councils:

(a) review their committee structures at regular intervals to ensure that they play a useful role in the discharge of the responsibilities of governance and the requirements for accountability; and

(b) consider the role of those committees which report to the chief executive officer, with a view to ensuring that all matters for which the Senates and Councils should be directly responsible come to their attention.

6.6. Among the issues raised in the submissions were those concerning the desirability of establishing education policy committees and internal audit committees. These issues are discussed in turn below.

Education Policy Committee

6.7. Some submissions suggested that insufficient attention is given by Senates and Councils to longer-term planning and to discussion of education policy. Proposals for future academic developments are drawn up on a triennial basis in accordance with Commonwealth and State requirements, but the Senates and Councils themselves do not appear to be involved in the institutional planning process. The convention in Universities, which may be reflected to some extent in CAEs, is that Senates and Councils do not make decisions about academic matters except to endorse, refer back for further consideration or, in the last resort, reject recommendations of the Academic Boards or equivalent bodies. As a result, the Senates and Councils play only a small part in educational policy development, although this is perhaps the most important facet of institutional governance.

6.8. While recognising that academic communities have a most important role to play in shaping academic developments within institutions, the Committee believes that Senates and Councils should also play a significant part in this process. There is a need to re-examine the roles of the Senates and Councils and the academic bodies to make it possible for Senates and Councils to participate in and accept responsibility for academic policy decisiions without pre-empting the role of Academic Boards.

6.9. The Committee has referred earlier in this report to the need for dialogue between the community and academics and it believes that this dialogue should extend to cover academic planning and policy matters.

Recommendation 31

The Committee recommends that an education policy committee of each Senate and Council be established with membership drawn from the Senate or Council itself together with members of the community, academic staff, general staff, and students.

6.10. The Committee is aware that the WAIT and WACAE Councils have established respectively an Education and General Policy Committee and an Academic Council, each of which includes community members of the Council and makes recommendations to the Council.

Recommendation 32

The Committee recommends that the membership and terms of reference of the WAIT Education and General Policy Committee and the WACAE Academic Council be reviewed by the institutions concerned to ensure that these bodies serve the purposes of the educational policy committees referred to in Recommendation 31.

6.11. Since the Academic Boards will continue to play an important part in academic policy development, the question arises as to their relationships with the proposed educational policy committees. In the existing structures, the Academic Boards at the Universities make recommendations to the Senates. The Institute Academic Board at WAIT is advisory to the Director and makes recommendations to the Education and General Policy Committee. The Boards of Studies at the WA College report to the Academic Council (itself a Council committee). Views differ as to whether the Academic Boards at the Universities should continue to report to the Senates, or whether they should report through the proposed education policy committees.

Recommendation 33

The Committee recommends that the Academic Boards in the Universities make recommendations to the proposed education policy committees for consideration and conveyance to the Senates.

6.12. The position of the Chairmen of Academic Boards also needs to be clarified in this context. At present, the Chairman of the Academic Board at UWA is elected by the members, but at Murdoch the Vice-Chancellor chairs the Academic Council and at WAIT the Director chairs the Institute Academic Board. The WA College does not have a single corresponding committee but has a Board of Studies for each School. The Chairman and one elected member of each Board of Studies are appointed to the Academic Council. The Committee has recommended that the position of Chairman of the academic body be filled by election by and from among the membership (see Recommendation 19); and that in the Universities the Chairmen of the Academic Boards, if they are elected, be appointed ex officio to the proposed education policy committees as well as to the Senates in the larger model, and to the education policy committees only in the smaller model (see Recommendation 20).

6.13. It is the view of the Committee that the Academic Boards in Universities, traditionally and in practice, have a special relationship with the Senates which distinguish them from corresponding bodies in CAEs. For this reason, the Committee does not make any recommendation concerning the ex officio appointment of the Chairmen of these bodies to the WAIT and WACAE Councils. However, it has recommended that they be appointed ex offio to the proposed education policy committees (see Recommendation 21).

Internal Audit Committee

6.14. All the institutions employ internal auditors whose responsibilities extend beyond the realms of financial auditing to include monitoring operations within institutions to ensure compliance with policies and statutory requirements. These functions have an important bearing on accountability at all levels. However, it was suggested to the Committee that the internal audit function is not being used as it should be to assist the Senates and Councils in ensuring that policy decisions are properly implemented.

6.15. The Committee believes that the audit function would be enhanced, and Senates and Councils would be assisted in discharging their public accountability responsibilities, if internal audit committees were established as Senate or Council committees to oversee internal auditing within the institutions.

6.16. The Committee is aware that an audit committee has recently been established at UWA as a subcommittee of the Finance Committee. While commending this action as a positive step forward, the Committee considers its place in the structure of governance to be inappropriate if it is to achieve its full potential. First, it is thought that the association with the Finance Committee may result in an over-emphasis on the financial auditing functions at the expense of the broader role; and secondly, it is considered that the status of the internal auditing function would be enhanced and its value with respect to accountability increased if the internal audit committee were established as a committee of the Senate itself.

Recommendation 34

The Committee recommends that:

(a) each Senate and Council establish an internal audit committee, including in its membership community members of the Senate or Council; and

(b) the terms of reference for each internal audit committee be consistent with the standards for the Professional Practice of Internal Auditing drawn up by the Institute of Internal Auditors.

Ex Officio Appointments to Committees

6.17. Reference has already been made to the important role of committees in institutional governance and the detailed debates of issues which take place at the committee level. Committees can play a crucial role in influencing policy directions, and it is important for interested groups to be represented on committees as well as on the Senates and Councils themselves. This applies particularly to the two major committees dealing with education policy and finance. The Committee has recommended that presidents of student and staff associations be appointed ex officio to Senate or Council committees in the smaller model (see Recommendations 17 and 18). This is considered essential, since the smaller model does not include staff and student association presidents in the membership of Senates and Councils. It is also considered to be highly desirable in the larger model. Provided that community members were also appointed to the committees, as proposed in Recommendation 29, this would also enhance the opportunity for dialogue between academics and the community.

6.18. As indicated in chapter 4, the committee structures are especially important in the smaller model, and the Committee considers that if this model is adopted, the two major committees, dealing with educational policy and finance, should be established in the legislation. This will enhance the status of these committees as integral parts of institutional governance.

Recommendation 35

The Committee recommends that, if the smaller model is adopted, the two major committees of the Senates and Councils, dealing with educational policy and finance, be established by specific provisions in the Acts governing the institutions, and that the membership and terms of reference of each of these committees also be specified in the legislation.

6.19. In conclusion, the Committee believes that the value and importance of Senate and Council committees should not be underestimated. The role of the major committees may vary according to their membership and the size of the Senate or Council. However, it is essential, whatever structure is adopted, that the workload be shared between Senates and Councils and their committees in such a way as to ensure that there is ample opportunity for debate, involving both external and internal members, of longer-term issues affecting the health, vitality and future of the institution.

CHAPTER 7

MISCELLANEOUS ISSUES

7.1. A number of matters raised in the submissions, while not unrelated to the issues discussed earlier in this report, are more conveniently dealt with separately in this chapter. Some other issues raised were considered to be outside the Committee's brief, and are not discussed. In some instances, issues raised in relation to one institution were considered by the Committee to be of general relevance, and so the particular institution is not identified. A few matters were specific to individual institutions, and these are referred to towards the end of this chapter.

Position of Members of Senates, Councils and Committees

7.2. There are two strongly held but divergent views on the position of members of Senates and Councils and other committees and boards. One view is that all members, regardless of the manner of their appointment or election, should participate as individuals in the business of the body, and should subjugate sectional interests for the good of the body as a whole. The other view is that members who are appointed or elected as representatives of certain groups should participate as delegates of those groups and that they have a duty to represent the interests of their constituencies fully and openly, and to report back.

7.3. The legal position of a member of a statutory authority elected by an interested group was considered in the case of Bennetts v Board of Fire Commissioners of New South Wales (1967)[11]. The case concerned the right of a member elected to the Board by a Union to see a confidential document to which he had been denied access on the ground that he proposed to disclose it to the Union. This right was denied by the court. In his judgement, Mr Justice Street said,

> "Once a group has elected a member he assumes office as a member of the board and becomes subject to the overriding and predominant duty to serve the interests of the board in preference, on every occasion upon which any conflict may arise, to serving the interests of the group which appointed him."

7.4. The case does not preclude a member from reporting back to the group that appointed him, except where this would be contrary to the interests of the board. It did not consider the position of a board member who is instructed by his constituency to vote a certain way on particular issues.

7.5. In the Committee's view, one of the advantages of providing for various interest groups to be represented on Senates and Councils is that the members are able to report back to those groups, as well as conveying the groups' views to the Senates and Councils. This results in a two-way flow of information within the institution and, it is hoped, a better understanding of the role of the Senate or Council and the bases for its decisions. Provided that confidentiality is honoured with respect to items such as those concerning individuals or property transactions, the Committee believes that this informal means of communication between the Senate or Council and the groups represented on it should continue.

7.6. Some people expressed concern that if presidents of staff associations were appointed as ex officio members of Senates and Councils they might be required by their constituencies to vote in certain ways on some issues, and therefore would not always be in a position either to sit as individuals or to put the interests of the Senates and Councils first. In the Committee's view, conflicts of this kind would be likely to arise relatively rarely and it would be unusual for the president of a staff association to differ from the considered view of the association on major issues. The Committee does not accept that this risk is sufficient to deny ex officio representation to those concerned, either on Senates and Councils or their committees, as appropriate.

7.7. At the same time, the Committee believes that all members, including those appointed ex officio, should have a strong individual commitment to the institution and its work. All bring to the meetings a wealth of personal experience in a wide range of areas and may be expected to contribute in a constructive way to the development of judgements, and to accept both joint and individual responsibility for decisions. It would clearly be remiss of members to confine their contributions to matters directly affecting their particular interests. Whatever the basis for their appointment, members should, in the Committee's view, participate fully in the responsibilities of governance.

7.8. Another aspect of the position of members of Senates and Councils concerns the extent to which they should become involved in the activities of the institution. It was claimed in some submissions that members take little interest in what is happening at the grass roots level in institutions. On the other hand, some Senates and Councils make an effort to provide opportunities for interchange between their members and groups of staff and students, apparently with varying success.

7.9. The Committee believes it is an advantage for members of Senates and Councils to have a knowledge of some aspects of the institution's operation, but recognises that it would be impossible for each member to become fully acquainted with the activities of every section of a large and complex institution.

Recommendation 36

The Committee recommends that consideration be given to the possibility of inviting members of Senates and Councils to serve on course advisory boards or similar groups so that they will get to know at least one area of activity in some depth.

Independence of Senates and Councils

7.10. Some submissions received by the Committee suggested that chief executive officers seem at times to be unduly influential within institutions. It was claimed that some issues which could appropriately be considered by Senates and Councils are decided instead by the chief executive officer, sometimes with the advice of ad hoc committees, and may not be brought to the notice of the Senate or Council. It is a matter of judgement as to which issues fall within the authority of the chief executive officer and the Senate or Council respectively. Nevertheless, the Committee considered whether the independence of the Senates and Councils might be enhanced and individuals and groups within the institutions given increased opportunities to propose items for inclusion on Senate and Council agendas.

7.11. One proposal to which the Committee gave some thought was that an independent secretariat comprising one senior officer with perhaps one or two assistants might be appointed to oversee the business of the Senate or Council. In order to maintain independence, officers of the secretariat would need to be outside the mainstream of the institution's

staffing. They would be responsible to the Chancellor or Chairman of Council, and their salaries could be paid from a special allocation voted by the Senate or Council.

7.12. At first this idea was attractive, but on reflection the Committee considered that it would be difficult to implement, particularly with respect to defining where the areas of responsibility of the secretariat and those of existing senior staff might overlap and with respect to establishing effective working relationships within the institution. Additional expense would also be incurred.

7.13. Other approaches within the existing frameworks were therefore considered and the Committee came to the conclusion that the misgivings expressed in the submissions would be largely overcome if the following steps were taken:

(a) to inform members of the Senate or Council that items will be included in agendas at their request;

(b) to establish a small steering committee of the Senate or Council to receive suggestions for the agenda from individuals or groups within the institution and to decide whether they should be included; and

(c) to include in the remit of the proposed internal audit committee responsibility to ensure that decisions of the Senate or Council are followed up and to consider claims that any issues have been stifled.

7.14. It is understood that all the institutions except the WA College have a senior officer other than the chief executive officer whose responsibilities include being Secretary to the Senate or Council.

Recommendation 37

The Committee recommends that a senior officer be appointed as Secretary to the WACAE Council, so that the Director is seen to be distanced to some extent from the regulation of Council business.

Terms of Office

7.15. The terms of office of members of Senates and Councils are prescribed in the institutions' Acts. At Murdoch, WAIT and WACAE, the terms are for three years (or up to three years) except for the elected student members whose terms are for one year. At UWA, the terms of office for members other than students are currently six or four years, but the University has proposed that the six-year terms be reduced to four years. Student representatives at UWA are elected for two-year terms, and no change in this period is proposed by the University.

Recommendation 38

The Committee recommends that:

(a) the terms of office for members of each Senate and Council, other than elected student members, be for a period not exceeding three years; and

(b) the terms of office for elected student representatives be for a period not exceeding two years.

7.16. At each institution except UWA, members may not serve more than three successive terms, after which a 12-month break is required before they are eligible for re-appointment. This provision does not apply to elected student representatives at WAIT and WACAE, who are not eligible to be re-appointed more than once. There are no limits on the number of terms which may be served by members of the UWA Senate, although the University has proposed that a limit of three successive terms be introduced.

7.17. The Committee considers that the number of terms should be limited. In the case of student members, the Committee believes that one two-year term is appropriate in order to provide for some continuity in student membership of Senates and Councils, while at the same time allowing for the fact that student members would not normally be available to serve longer periods.

Recommendation 39

The Committee recommends that:

(a) all members, other than student members, of Senates and Councils be eligible for re-appointment or re-election, but that there be a limit of three successive terms, after which a period of twelve months must elapse before the members concerned are eligible for re-appointment; and

(b) elected student members not be eligible to serve more than one two-year term.

Overlap of Categories of Membership

7.18. The Committee recognises that some individuals may fall within more than one of the groups whose interests are represented on Senates and Councils. For example, a person may be at the same time a student, a research student, a member of staff and a member of the graduate body. It is necessary to provide in the legislation, as some Acts do already, that a member of one group may not represent another on the Senate or Council.

Recommendation 40

The Committee recommends that the legislation preclude a person who is primarily a student, or a member of the academic or general staff, or a member of the graduate body, or, in the case of UWA, a research student (as defined) from being elected to the Senate or Council as a representative of any other of these groups.

Powers of Delegation

7.19. The powers of delegation of Senates and Councils are set out in the relevant Acts, with the exception of the UWA Act, which does not appear to include a corresponding provision. Several aspects of the powers of delegation were raised in the submissions, including delegation to external bodies and to committees and individuals within the institution.

7.20. The question of delegation to outside bodies was raised in relation to the formation of the Australian Universities Industrial Association, formed to represent universities in the industrial arena. It was suggested to the Committee that a university which joined this body would be required by its rules to delegate to the body considerable authority in industrial matters. The Committee does not wish to comment on the potential effects on a university of becoming a member of that Association, nor on the question as to whether any delegation of powers entailed would be in breach of the relevant Acts. However, the Committee believes that it may well be appropriate for tertiary education institutions to group together for industrial or other purposes.

Recommendation 41

The Committtee recommends that the powers of delegation of Senates and Councils be reviewed with a view to enabling them to group together for industrial or other purposes within appropriate limits.

7.21. The powers of delegation of the Murdoch Senate and the WACAE and WAIT Councils, as set out in the legislation, are fairly broad in so far as they may delegate (internally) any of their powers except the power of delegation and the power to make Statutes and By-laws (and Regulations, in Murdoch's case). It was suggested to the Committee that further exceptions should be made so that, for example, Senates and Councils would not be able to delegate the power to appoint the chief executive officer.

Recommendation 42

The Committee recommends that the powers of delegation of Senates and Councils be reviewed to determine whether they are too broad and, if so, that they be amended.

7.22. In the case of UWA, it may be appropriate to make explicit reference in its Act to the Senate's powers of delegation, to bring the UWA Act into conformity with the other Acts in this regard.

7.23. The power of delegation in the Murdoch University Act, section 18(1) appears to be narrower than the others in specifying that matters may be delegated to "any committee of (the Senate's) members". This seems to prevent the Murdoch Senate from delegating to a committee which includes in its membership people who are not Senate members.

Recommendation 43

The Committee recommends that section 18(1) of the Murdoch University Act be amended to permit delegation to any committee appointed by the Senate, so that the Senate can make full use of the opportunity to appoint external people to Senate committees.

Procedural Matters

7.24. It was argued repeatedly in the submissions that the institutions should take steps to improve their relationships with the community at large. Since the institutions are publicly funded, they are dependent to a considerable degree upon public understanding and acceptance. The

Committee urges institutions to review their methods of reporting, not merely in the statutory annual reports but in other ways too, with a view to providing adequate information to the public.

7.25. Allied to this is the suggestion made to the Committee that Senate and Council meetings should be open to the public. They are currently open to the press with respect to matters other than confidential items, and some people believe that this is sufficient. Others argued in the submissions that some matters of interest to sections of the community, and especially the institution's community, are of insufficient general interest to be reported in the media, and therefore it is not sufficient to open the doors only to journalists.

7.26. The Committee understands that institutions which have opened their meetings to the community have found that, after the first novelty has worn off, relatively few people avail themselves of the opportunity to attend meetings, and so accommodation is not a problem. The principle, however, is an important one and is worthy of implementation.

Recommendation 44

The Committee recommends that Senate and Council meetings be open to the public, provided that:

(a) items of a confidential nature (eg, items relating to individuals or to property transactions) be kept confidential, and members of the public be required to withdraw while they are discussed; and

(b) people wishing to attend a meeting make their intention known to an appropriate officer in advance, on the understanding that permission to attend is subject to adequate space being available.

7.27. Naturally, procedures vary among institutions, but the Committee believes that certain basic requirements should be met. Thus, agendas for meetings should:

- set out issues clearly;
- be circulated in advance, allowing sufficient time for members to prepare for the meeting; and

- be open for discussion by members with others prior to the meeting, except for those items which are identified as being confidential on the grounds that they relate to individuals, property transactions or some other matter on which a special case for confidentiality can be supported.

7.28. The Committee was advised that while lobbying of members of Senates and Councils is freely engaged in at some institutions, it is actively discouraged at others. The Committee believes that members of Senates and Councils have a difficult task in keeping informed of the range of issues which come before them, and their capacity to make judgements is likely to be adversely affected if they are unable to obtain additional background information or to consult interested people about their views on issues which will affect their interests.

7.29. The Committee was surprised to find that some institutions do not adopt and publish Standing Orders, and do not make freely available, within the institution, information on the terms of reference and membership of committees. It considers that information of this kind should be accessible to staff and students, to assist in the better understanding of the role and operation of institutional governance.

Reference in Acts to Staff Associations

7.30. The WACAE Act, section 35, provides for the establishment of an organised association of academic staff and an organised association of other salaried staff, which "shall be the recognized means of communication between academic staff, and other salaried staff, respectively, and the Council". There is a proviso that there may be only one of each such association at any one time.

7.31. It was suggested to the Committee that corresponding provisions be inserted in the Acts of other institutions to formalise the position which already exists as a matter of policy and practice. If the presidents of staff associations are to be appointed, ex officio, to Senates or their committees it may be necessary for the associations to be specified in the legislation.

7.32. In this regard, consideration should also be given to the position of Academic Boards in the Universities. It may be necessary for these bodies to be established in the Acts to enable their Chairmen to be

appointed, ex officio, to the Senates or their committees. The Murdoch Act is the only one at present which provides explicitly for the establishment, membership and functions of its Academic Council.

Recommendation 45

The Committee recommends that the Acts governing the institutions be amended to formalise the position of staff associations and Academic Boards if this is required as a result of proposed ex officio appointments to Senates, Councils and their committees.

Variations in Powers of Senates and Councils

7.33. The Committee was advised that there are variations in the powers of institutions under their respective Acts to invest funds, borrow money, deal with land and provide housing for staff. The Committee has not examined the provisions in detail, but makes the observation that there does not appear to be any reason why the powers of one institution in these areas should be greater or lesser than those of another.

Recommendation 46

The Committee recommends, in the interests of equity, that the powers of institutions to invest funds, borrow money, deal with land and provide housing for staff be reviewed and the relevant Acts amended so that all four institutions are treated equally in these and related areas.

Role of the Visitor

7.34. Some submissions raised the question of the role of the Visitor within institutions. The Committee makes no comment on this issue since it is currently under review by the Attorney General.

Issues Concerning Individual Institutions

7.35. Comments on matters raised which apply only to one institution are given below.

University of WA

7.36. A number of submissions drew attention to the role of the Convocation of UWA in making Statutes, and suggested that this was no longer appropriate. Section 31 of the UWA Act provides for a complicated and time-consuming system within which the Senate may draft Statutes, the

drafts are submitted to Convocation for its consideration, Convocation may draft amendments, and if these in turn are not acceptable to the Senate there is provision for a conference between the two bodies. Once sealed, the Statutes are submitted for the approval of the Governor. These lengthy procedures contrast with those for other institutions, where Statutes are made by the Senate or Council and transmitted for the Governor's approval.

7.37. Some submissions expressed the view that Convocation is failing to attract younger graduates into its ranks and is increasingly regarded as a rather dull assocation of older people. The interest of Convocation in the University is not questioned, but a review of its activities seems desirable to promote a brighter image and a livelier involvement in University affairs. It was suggested to the Committee that the withdrawal of Convocation's powers with respect to Statutes may well assist in such a process, since the tedium of processing Statutes may discourage attendance at meetings and participation in Convocation affairs.

Recommendation 47

The Committee recommends that the power of the Convocation of UWA to participate in the making of Statutes be withdrawn, and that the UWA Act be amended accordingly.

7.38. A separate issue was raised during discussion of the financial accountability of the University. The Committee was informed that the University's power to administer trusts is hampered by the inability, under section 15A of the UWA Act, to combine the funds of different investment sources, such as bequests and donations. It was suggested that the University's efficiency in dealing with investments would be promoted if it were able to pool such funds. Murdoch University has such a power under its Act.

Recommendation 48

The Committee recommends that the UWA Act be amended to permit the pooling of investment funds, and that the University be consulted as to the appropriate wording of the amendments.

Murdoch University

7.39. The Committee was surprised to hear that the procedure at Murdoch for appointing Senate members to committees is said to be derived from Legislative Council Standing Orders. It was informed that the practice was for the Vice-Chancellor to assign members to committees, and for members, if they wished to nominate a person not on the list, to do so by challenging one of the listed names.

7.40. The Committee has strong reservations about this practice and about the relevance of the Legislative Council Standing Orders to a procedure such as this. Some alternative means of selecting committee members would seem to be desirable. The most democratic way would be by election. This process need not be as cumbersome as it may at first appear, since an election would be necessary only in those cases where the number of nominees exceeded the number of positions on a particular committee. This method is favoured by the Committee, but it is a matter for final determination by the Senate itself.

Recommendation 49

The Committee recommends that the procedure at Murdoch University for appointing Senate members to committees be reviewed and changes be made which do not require members to challenge names already allocated to a committee.

Western Australian College of Advanced Education

7.41. The WACAE Act provides for the establishment of a campus committee for each campus, and the membership of such committees is set out in section 25(2). One of the appointees to each committee is "the person who is the most senior of the academic staff at the campus" (s.25(2)(b)). Some misgivings were expressed to the Committee about the ambiguity of this provision. It was pointed out, for example, that the most senior academic on the Churchlands Campus is the Director of the College, yet it would not seem to be appropriate for the Director to be a member of one of the campus committees.

Recommendation 50

The Committee recommends that the WACAE Act be amended to provide for the Council to designate the most senior academic on each campus for the purposes of section 25(2)(b).

7.42. Concern was expressed to the Committee that there was no procedure to meet the situation where certain members of the WAIT Council were unable to attend a meeting at which a matter of particular interest to their group was being discussed. It was suggested to the Committee that provision should be made for the appointment of proxies in these circumstances.

7.43. After considering this issue, the Committee does not believe that a system of voting by proxy is appropriate. Instead, it suggests that in circumstances such as these, the members concerned approach the Council with a request that their nominee be invited to attend the meeting and speak on the issue concerned. The Council, in turn, could be expected to accede to a reasonable request of this nature.

NOTES

1. Commonwealth Tertiary Education Commission Act, 1977, s.7.

2. Western Australian Post Secondary Education Commission Act, 1970-79, s.12(2)(a).

3. Report to the Minister of Education by the Working Party to Review the Membership of Councils and Subcommittees of Councils in Colleges of Advanced Education, Victorian Post-Secondary Education Commission, 1984.

4. Ashby, Eric, "Universities: British, Indian, African. A Study in the Ecology of Higher Education", Wiedenfeld and Nicolson, London, 1966, p.296.

5. Ibid.

6. The Australian Council on Tertiary Awards (formerly Australian Council on Awards in Advanced Education).

7. Hughes, Colin, "Towards a Contemporary Definition of Autonomy" in University Government Relations: Proceedings of the Conference of University Governing Bodies, August 1982, ed. J E Anwyl, p.64.

8. Australia, Minister for Finance, "Budget Reform", AGPS, Canberra, 1984, p.14.

9. Ibid.

10. See also UWA Act, s.13; WACAE Act, s.16; WAIT Act, ss.16 and 21.

11. (1967) 87 WN (NSW) 307.

INDIVIDUALS AND ORGANISATIONS WHO MADE WRITTEN AND/OR VERBAL SUBMISSIONS TO THE COMMITTEE

Allen, Geoffrey G, Principal Librarian, WA Institute of Technology

Alumni Association of the Western Australian Institute of Technology[1]

Bolton, A Carol and MacBeth, Ann, Members of Convocation and Members of Senate, Murdoch University

Broeze, Associate Professor Frank, Department of History, University of WA

Claremont Teachers College Alumni Association

Cole, Professor A R H, School of Chemistry, University of WA; Member of Senate, University of WA

Collin, Dr Dorothy W, Department of English, University of WA

Donnelly, R P

Ethnic Communities Council of Western Australia

Gawthorne, Associate Professor Jeffrey M, School of Veterinary Studies, Murdoch University; Member of Senate, Murdoch University

Gray, Kathleen, Member of Convocation and Member of Senate, University of WA

Guild of Undergraduates, University of Western Australia

Guild Staff Association, Western Australian Institute of Technology

Harding, Professor Richard W, Director, Australian Institute of Criminology; Professor of Law, University of WA; Former Member of Senate, University of WA

Hay, Professor John A, Department of English, University of WA

Herd, Gerald L M

Honey, David J, Student and Member of Senate, University of WA

Hospital, Service and Miscellaneous Workers' Union

Hunt, Lyall, Extension Services Department, WA College of Advanced Education

Kelly, David and others, Guild of Undergraduates, University of WA

Lourens, Professor Roy M C, Deputy Vice-Chancellor (Finance), University of WA

Maslen, Dr Edward N, Director, Crystallography Centre, University of WA

McKenna, Richard J, School of Business, WA College of Advanced Education

Mitchell, Angus, Retired, Formerly Secretary of Education, Scotland

Murdoch University Academic Staff Association

Murdoch University Guild of Students

Murdoch University Senate[2]

Muresk Advisory Committee

Muresk Old Collegians' Association (Inc)

Ransom, Dorothy E, Member of Convocation and Member of Senate, University of WA

Reynolds, Richard, Member of Council, WA Institute of Technology

Rogers, Professor S J, Organisational Studies Unit, James Cook University of North Queensland

Rogerson, Jean E, Member of Convocation and Member of Senate, University of WA

Rumley, Dr Dennis, Department of Geography, University of WA

Salaried Officers Association of the Western Australian College of Advanced Education

Salaried Officers Association and Academic Staff Association, Western Australian Institute of Technology (joint submission)

Schapper, Dr Henry P, Honorary Fellow, University of WA

Standing Committee of Convocation of The University of Western Australia

Student Guild, Western Australian College of Advanced Education

Student Guild, Western Australian Institute of Technology

The Academic Staff Association of the Western Australian College of Advanced Education (Inc)

The Civil Service Association of Western Australia Incorporated

The Confederation of Western Australian Industry (Inc)

The Postgraduate Students' Association of The University of Western Australia

The Royal Australian Chemical Institute, Western Australian Branch

The University of Western Australia Academic Staff Association

The University of Western Australia Senate

The University Salaried Officers Association of Western Australia, Murdoch University Branch and University of WA Branch

Trades and Labor Council of Western Australia

Treloar, David W G, Chairman, Academic Board, University of WA

UWA Status of Women Group

Vickery, Dr Robert L, Director-General of Education; Chairman of Secondary Education Authority; Member of Senate, University of WA; Chairman of Board of WA Academy of Performing Arts and thereby Member of Council, WA College of Advanced Education

Watson, Dr James R H, Member of Convocation and Member of Senate, University of WA

Webb, Professor Martyn J, Department of Geography, University of WA

Western Australian Chamber of Commerce and Industry (Inc)

Western Australian Chapter, Association of Heads of Residential Colleges and Halls of the Universities of Australia

Western Australian College of Advanced Education Council

Western Australian Institute of Technology Council

Western Australian Post Secondary Education Commission

Notes:

1. A Board member of the WAIT Alumni Association informed the Committee that this submission was not endorsed by the Association, but did not pursue the matter further.

2. The Vice-Chancellor of Murdoch University informed the Committee that there had not been an opportunity for this submission to be discussed at length in the Senate, and it could not, therefore, be claimed that it would be supported in every particular by all members.

3. Some people who made submissions requested that their names not be listed, and accordingly some names have been omitted from the above list.

MEMBERSHIP OF THE GOVERNING BODIES OF TERTIARY EDUCATION INSTITUTIONS

Murdoch University Act, 1973-1983, Section 12(1)

12. (1) The membership of the Senate shall consist of -

(a) the persons holding or acting in the office of Chancellor and of Vice-Chancellor respectively;

(b) the person holding or acting in the office of Director-General of Education under section 7 of the Education Act, 1928 or a person appointed by him by notice in writing addressed to the Chancellor;

(c) the person holding or acting in the office of President of the Guild of Students of Murdoch University;

(d) four persons elected by and from amongst the members of the full-time academic staff of the University in the manner prescribed by Statute;

(da) one person elected in the manner prescribed by Statute by and from amongst the full-time officers and servants of the University who are not members of the full-time academic staff of the University;

(e) two persons elected by and from amongst the students in the manner prescribed by Statute;

(f) three persons elected by Convocation in the manner prescribed by Statute;

(g) six members, not being persons eligible to be elected to the Senate under paragraph (d) or paragraph (e) of this subsection, appointed by the Governor;

(h) (Repealed by Act No. 7 of 1978, s.2.)

(i) two members, selected from persons who are not members of either House of Parliament, and appointed by the Governor, of whom one shall be nominated by the Premier and the other by the Leader of the Opposition; and

(j) such persons, not being more than three in number at any one time, and not being full-time members of the academic staff of the University or full-time officers or servants of the University or any other tertiary educational institution as may be co-opted to serve as members of the Senate by an absolute majority of the other members.

University of Western Australia Act, 1911-1983, Sections 8-10

8. (1) The Senate shall consist of twenty-five persons appointed or elected as hereinafter provided.

(2) Persons who respectively hold a full-time salaried office in the University as a dean, professor, reader, senior lecturer, lecturer or such other office as the Senate may, by resolution declare, are

not on that account only, incapable of being appointed or elected or of acting, as a member of the Senate, but the number of such persons in the Senate at the same time shall not exceed four in the aggregate.

(3) No person who is a Principal of any Secondary, Continuation, or Technical School, or School of Mines, or similar educational institution, or is a teacher engaged therein shall on that account only be incapable of being appointed or elected, or of acting as a member of the Senate, but the number of such persons in the Senate at the same time shall not exceed two.

9. (Repealed by No. 113 of 1970, s.6.)

10. The Senate shall consist of the following members namely:-

(a) Six persons to be appointed by the Governor.

(b) Six persons, not being such persons as are referred to in subsection (2) of section eight of this Act to be elected by convocation.

(c) Four persons, being such persons as are referred to in subsection (2) of section eight of this Act, to be elected by the persons so referred to, except that in the case of the first three persons to become members of the Senate under this paragraph after the coming into operation of the University of Western Australia Act Amendment Act, 1970, one shall be elected and two shall be appointed by the Senate.

(d) (Deleted by No. 113 of 1970, s.7.)

(e) The person holding or acting in the office of the Director-General of Education under section seven of the Education Act, 1928 or a person appointed by him by notice in writing addressed to the Chancellor.

(f) The Vice-Chancellor of the University ex officio.

(fa) The President of the Guild of Undergraduates ex officio.

(fb) Two persons who are respectively enrolled as students of the University to be appointed by the Senate, in the case of the first two persons to become members of the Senate under this paragraph and thereafter to be elected by the persons so enrolled.

(g) Four persons to be selected and co-opted as members of the Senate by the other members thereof enumerated in the foregoing paragraphs of this section. Provided that one of these persons shall be a person who has served at any time in Her Majesty's Forces and who has been honourably discharged from such forces. Provided also that two of the members to be selected and co-opted under this paragraph shall be persons who are members of Convocation.

Western Australian College of Advanced Education Act, 1984, Section 9(1)

9. (1) Subject to this Act the Council shall consist of -

(a) 7 persons appointed by the Governor being persons with experience in education, the professions, industry or commerce and such other persons who are representative of the community;

(b) the person for the time being holding office as the chief executive officer of the College;

(c) 2 persons who are members of the full time academic staff of the College who are elected by members of that staff in such manner as is prescribed by Statute;

(d) 1 person who is a member of the full time salaried staff, other than academic staff, of the College, and who is elected by members of that staff in such manner as is prescribed by Statute;

(e) 2 persons who are enrolled students of the College, and who are elected by the enrolled students of the College in such manner as is prescribed by Statute;

(f) 1 person who is elected by and from among the persons whose names are registered on the Register of Alumni maintained by the College;

(g) the person for the time being holding the office of chairman of the Board of the Institute;

(h) the person for the time being holding the office of chairman of th Board of the Academy;

(i) 3 persons appointed from time to time by the Minister on the recommendation of the Council; and

(j) if he is not already a member pursuant to one of the foregoing paragraphs of this subsection, the Chairman.

Western Australian Institute of Technology Act, 1966-1983, Section 9(1)

9. (1) The Council shall consist of -

(a) six persons appointed by the Governor representative of the professions and industrial and commercial interests;

(b) (repealed by Act No 57 of 1969, S.2.);

(c) the person for the time being holding the office of Director-General of Education under the Education Act, 1928, or a person nominated in writing by him to the Minister;

(d) (deleted by Act No 37 of 1981,s.7);

(e) (deleted by Act No 57 of 1970, s.3);

(f) the person for the time being appointed the chief executive officer of the Institute;

(g) two persons who are members of the full-time academic staff of the Institute elected by members of that staff;

(ga) two persons who are members of the Student Guild, one at least being a voting member of its Council, and who are elected by the voting members of that Council after nomination by such members of that Guild as are prescribed by Statute, the provisions of which may differ in respect of each person to be so elected;

(gb) one person who is a member of the full-time salaried staff, other than the academic staff, of the Institute elected by members of that staff;

(gc) one person who is a member of the Alumni Association of the Institute elected by members of that Association;

(h) the person who not being a member of the Council at the time of his appointment as Chairman, is appointed Chairman pursuant to section eleven of this Act;

(i) three persons appointed from time to time by co-option by the Council but a person whose sole or principal employment is that of a member of the staff of the Institute may not be so appointed; and

(j) a person who is appointed chairman of a Board under section 21C of this Act or, if the Board so resolves another member of the Board nominated by that Board, but a person whose sole or principal employment is that of a member of the staff of the Institute may not be so nominated.

42991/9/35—1M-O

WILLIAM C. BROWN, Government Printer, Western Australia